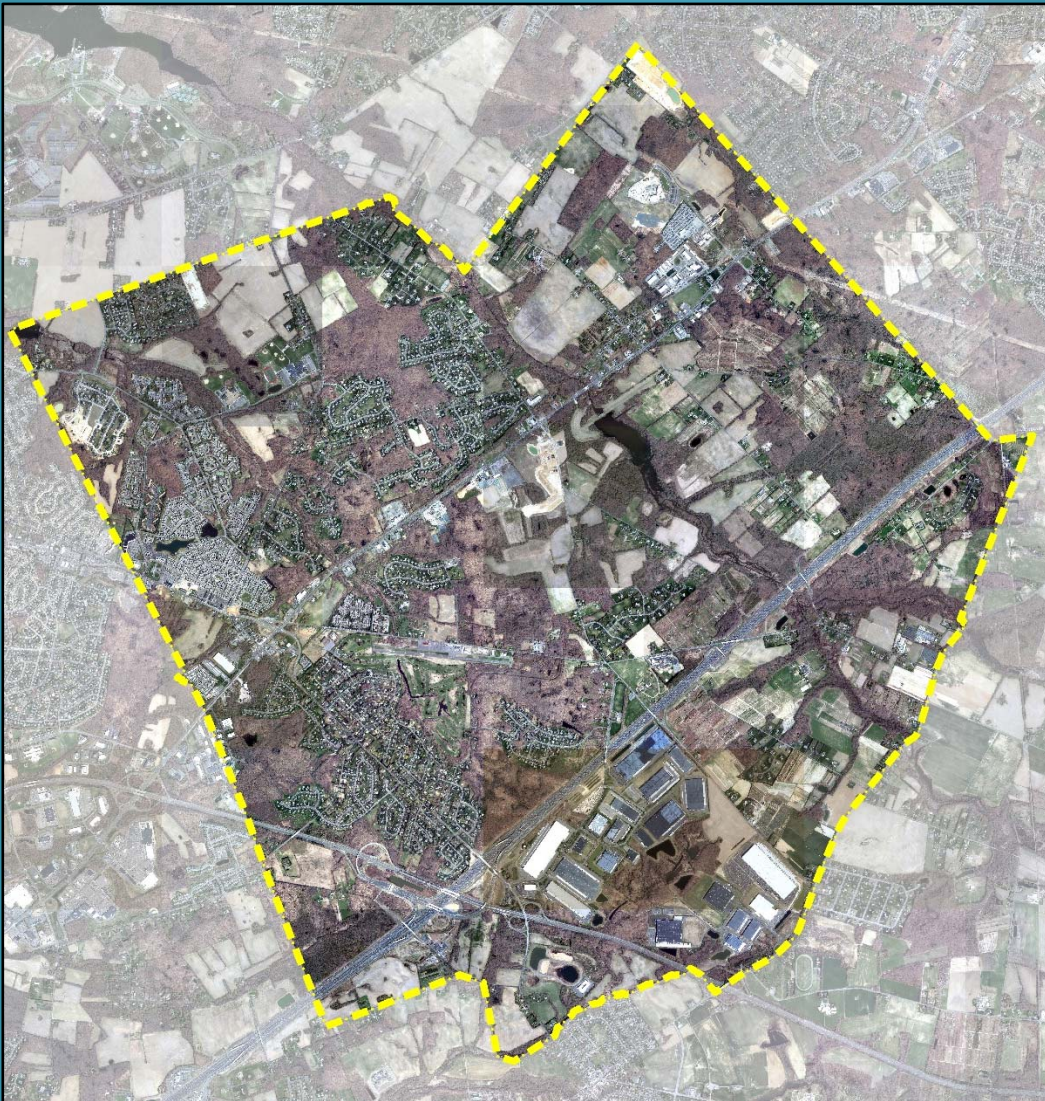


2020 COMPREHENSIVE MASTER PLAN UPDATE & LAND USE PLAN AMENDMENT

Robbinsville Township, Mercer County, N.J.



Prepared by



Approved June 17, 2020

Prepared for



ADOPTING RESOLUTION

RESOLUTION NO. PB 2020-18(A)

**RESOLUTION OF THE TOWNSHIP OF ROBBINSVILLE
PLANNING BOARD, COUNTY OF MERCER, STATE OF NEW
JERSEY, ADOPTING THE 2020 COMPREHENSIVE MASTER PLAN
UPDATE AND LAND USE PLAN AMENDMENT OF THE
TOWNSHIP OF ROBBINSVILLE, COUNTY OF MERCER, STATE
OF NEW JERSEY**

WHEREAS, in accordance with N.J.S.A. 40:55D-1, *et seq.*, the New Jersey Municipal Land Use Law, the Township of Robbinsville Planning Board is conducting an extensive reexamination of its Master Plan; and

WHEREAS, at public hearings, where members of the public were provided the opportunity to comment on the contents of the proposals contained in the document, the Planning Board has reviewed the 2020 Comprehensive Master Plan update and Land Use Plan Amendment, Robbinsville Township, Mercer County, New Jersey, prepared by ARH Associates; and

WHEREAS, in accordance with the Municipal Land Use Law, the Robbinsville Township Planning Board has jurisdiction to reexamine the Master Plan and recommend adoption of revisions to the Township Zoning Map and Zoning Ordinances; and

NOW, THEREFORE, BE IT RESOLVED this 17th day of June, 2020, by the Planning Board of the Township of Robbinsville, County of Mercer, State of New Jersey, that the Board hereby adopts the 2020 Comprehensive Master Plan Update and Land Use Plan Amendment prepared by ARH Associates dated June 17, 2020.

BE IT FURTHER RESOLVED:

1. The Planning Board authorizes and directs the Chairman and Administrative Secretary to execute any and all necessary documents in order to implement the intent of this Resolution; and



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Robbinsville Township,
Mercer County, N.J.

2. A copy of this Resolution shall be forwarded by the Planning Board Secretary to the following:

- a.) Honorable David Fried, Mayor;
- b.) Ron Witt, Council President;
- c.) Joy Tozzi, Township Administrator;
- d.) Paul Renaud, Esquire, Township Attorney;
- e.) Hal English, Director of Economic & Community Development;
- f.) John Nunziato, PE, Board Engineer;
- g.) Ann Bell, AICP, PP, Board Planner; and
- h.) Jerry J. Dasti, Esquire.

BE IT FURTHER RESOLVED:


That adoption of this Resolution adopting the 2020 Comprehensive Master Plan Update and Land Use Plan Amendment be published in an official newspaper of the Township of Robbinsville by the Planning Board Secretary within ten (10) days of its passage.

CERTIFICATION

I hereby certify that I, the undersigned, am the Secretary of Planning Board of the Township of Robbinsville and I am duly authorized to certify Resolutions.

I certify that the foregoing Resolution was duly adopted and memorialized by the Robbinsville Township Planning Board at its regular meeting held on June 17, 2020, a quorum being present and voting in the majority.

DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS
COUNSELLORS AT LAW
620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731


DANIELLE B. SIMS
Planning Board Secretary

Prepared by:
**DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**
Forked River, New Jersey 08731

Z:\CLIENT MATTERS - GL\Robbinsville PB\GL-28891 RESOLUTIONS 2020\Resolution - Master Plan revised 4-3-20.doc



ROBBINSVILLE PLANNING BOARD

Frank Cettina, Chair

Kathy Goodwine, Vice Chair

Marie Ondy, Mayor's Representative

Chris Ciaccio, Council Representative

Dan Rafferty, Township Official

Chris English

Paul Kranz

Karen LaRochelle

Paul Rubin

Danielle Spilatore

Janet Van Nest

Danielle Sims, Board Secretary

Ann Bell, AICP, PP, Zoning Officer

John Nunziato, P.E., P.P., Township / Planning Board Engineer

Jerri Dasti, Esq., Board Solicitor

Stuart B. Wiser, P.P. AICP, Board Planner

The original of this document has been signed
and sealed pursuant to N.J.S.A. 45:14A-12.

Respectfully Submitted

ARH ASSOCIATES

By:

Stuart B. Wiser, PP/AICP

NJ Professional Planners License # LI005598





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ACKNOWLEDGEMENTS

In addition to the Township's Governing Body and the members of the Robbinsville Planning Board, the authors wish to acknowledge the contributions of the following individuals, who have made invaluable contributions to this effort.

MASTER PLAN STEERING COMMITTEE

Kathy Goodwine, Planning Board Member

Spencer Pierini, Planning Board Member

Janet Van Nest, Planning Board Member

Tiziana Johnston, Planning Board Secretary
[Project Inception – 08/2019]

Danielle Sims, Board Secretary
[09/2019 - Publication]

Ann Bell, AICP, PP, Zoning Officer

Hal English, Director of Community Development

Chris Ciaccio, Council Representative to Planning Board

John Nunziato, P.E., P.P., Township Engineer

TOWNSHIP OF ROBBINSVILLE

David Fried, Mayor

Joy Tozzi, Township Administrator

Paul Renaud, Township Attorney

TOWNSHIP CONSULTANTS

Heather M. Balgowan, P.E., PTOE, McMahon Associates, Inc.

1.0 INTRODUCTION

1.1 BACKGROUND

The Township of Robbinsville¹ is in a transitional period. Historically a farming community dating to colonial times, the Township has seen development pressures in both its residential and commercial sectors replace once-active farms and other open spaces with residential communities and industrial parks.

Robbinsville's location along the New Jersey Turnpike (US I-95) / US I-195 / New Jersey State Highway (Route) 130 corridor and its proximity to the population and employment hubs of Philadelphia, Trenton, Princeton and New York City, combined with the real estate boom of the late-1990s / early-2000s and the relatively inexpensive price of land and historically-low interest rates to make Robbinsville a very attractive setting for new development. As a result, the Township's residential sector flourished. Conversely, the Township's inventory of farmland and undeveloped lands was reduced during the same period as property-owners took advantage of this market to sell their properties to developers.

The development pressures experienced in Robbinsville have not been limited to residential growth. The same locational and market conditions that attracted residents to the municipality have also attracted light-industrial warehouse and flex-space construction² to the Township. Adding to the market-lure of such development was the commitment by local policymakers to entice new commercial construction as a counterbalance to the growing tax burden that the residential demand was placing on the Township's taxpayers³.

As a result, the character of Robbinsville has seen a rapid transformation from a rural community with isolated village development to a suburban community with significant traffic congestion and ever-increasing demands on public resources to maintain a high quality of life.

¹ Formerly Washington Township, Mercer County ("Township").

² § 2.5 herein.

³ Including increases in Local School taxes attributable to the construction of new schools and the expansion of existing schools required to accommodate the growth in enrollment from the new housing.

1.2 MUNICIPAL MASTER PLAN

1.2.1 The New Jersey *Municipal Land Use Law*⁴ requires municipalities to adopt a municipal Master Plan before enacting a municipal development ordinance and municipal zoning. As specified in *MLUL* section 28, a municipal Master Plan is a report (with maps, diagrams and text) addressing two (2) Mandatory and 13 Optional development-related planning topics.⁵ It is prepared for and adopted by the municipal Planning Board as a policy document, and typically includes a series of recommended actions. Recommendations have no force or effect however, until they are enacted by the municipal Governing Body by ordinance.

1.2.2 After initial adoption, the *MLUL*⁶ requires a municipality to periodically conduct a “reexamination” of its Master Plan and development regulations as follows:

The Governing Body shall, at least every 10 years, provide for a general reexamination of its Master Plan and development regulations by the Planning Board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the Office of Planning Advocacy and the County Planning Board. A notice that the report and resolution have been prepared shall be sent to any military facility commander who has registered with the municipality pursuant to... C. 40:55D-12.4 and to the municipal clerk of each adjoining municipality, who may request a copy of the report and resolution on behalf of the military facility or municipality. A reexamination shall be completed at least once every 10 years from the previous reexamination.

The reexamination 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 reexamination report.*
- 2. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.*

⁴ N.J.S.A. 40:55D-1 et seq. (“*MLUL*”)

⁵ While optional under N.J.S.A. 40:55D-28, a Housing Plan Element is required by N.J.S.A. 40:55D-62 before a municipality may enact a Zoning Ordinance, thereby effectively making it a Mandatory Master Plan Element.

⁶ N.J.S.A. 40:55D-89

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 & Housing Law, 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.*
6. *The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, 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.*

1.2.3 Robbinsville's current Master Plan was adopted in December 2000. Reexaminations were adopted in March 2007 and October 2008 (revised January 2009)⁷.

The 2000 Master Plan included a Housing Plan & Fair Share Plan. This Plan was amended via reexamination in December 2008, July 2017 and most recently in March 2018.

The Township's current Zone Plan was adopted in 2008 and last revised in 2015. The current Land Use regulations (Chapter 142 of the Township Code) were adopted in 2011 and have been modified periodically since that time, with the last amendment being in 2017.

⁷ While labeled as a Reexamination, the 2008 / 2009 effort was limited to the Wittenborn Gateway and the Gateway South sections of the Township. As such, it may not properly be considered a "Reexamination" within the context of the MLUL.



1.3 2020 COMPREHENSIVE MASTER PLAN UPDATE

1.3.1 While the Robbinsville Planning Board⁸ is only statutorily-mandated to conduct a Master Plan *Reexamination* at this time, such an analysis, by definition, takes an incremental approach to problem identification and problem solving. Based on the breadth of the 2000 Master Plan, the contents of the 2007 and 2008 / 2009 Reexaminations, changes in laws and regulations and the issues facing the Township at this time, it has been determined that limiting the effort to the statutory requirements of N.J.S.A. 40:55D-89 will not adequately address the Township's needs. Accordingly, the Planning Board has undertaken this "Comprehensive Master Plan Update"⁹ in order to recognize the excellent work of past Boards while affording Township Planners the opportunity to explore fresh approaches to issues rather than incremental measures based on previous efforts.

1.3.2 While the effort undertaken by the Planning Board is considered "comprehensive", the result is not a wholesale change to the Master Plan or the individual Plan Elements as previously adopted. Recommendations are generally limited to addressing specific issues.

Regardless of how one interprets the approach or result, this Comprehensive Master Plan Update is designed to address the statutory requirements of a Master Plan Reexamination. Upon completion and adoption by the Planning Board, this document shall serve as a statutorily-mandated Master Plan Reexamination for the Township of Robbinsville.

1.3.3 Upon adoption by the Planning Board, recommendations concerning the Township's development regulations contained herein may be enacted in the form of amendment(s) to the Robbinsville Land Use Ordinance¹⁰ or such other regulatory or policy documents as may be necessary and appropriate. Such amendment(s) require adoption by the Township Council by ordinance(s).

⁸ "Planning Board"

⁹ "Master Plan Update"

¹⁰ Chapter 142 of the Township Code.



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- 1.3.4 Pursuant to N.J.S.A. 40:55D-89, after adoption by the Planning Board, a copy of this Comprehensive Master Plan Update, with accompanying Planning Board Resolution, shall be sent to the Office of Planning Advocacy and the County Planning Board, and a notice that the report and resolution have been prepared shall be sent to any military facility commander who has registered with the Township pursuant to N.J.S.A. 40:55D-12.4 and to the municipal clerk of each municipality adjoining Robbinsville.

2.0 DEFINITIONS

For the purposes of this Comprehensive Master Plan Update, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth in this section.

Terms not defined herein shall have the meaning set forth in the Chapter 142 and the Town Center Plan. Terms presented as singular or plural, masculine or feminine, or present or past tense shall be construed within the context in which they occur.

- 2.1 “Block 41 Redevelopment Plan” shall mean the document entitled Redevelopment Plan for Block 41, Lots 14, 36, 37.01, 37.02, 37.03, 38.02, 38.03, 38.04, and 38.012, Township of Robbinsville, Mercer County, New Jersey,¹¹ prepared by the Cofone Consulting Group, LLC. (dated October 2011), as may have been amended from time to time.
- 2.2 “Chapter 142” shall mean Chapter 142 (Land Use) of the Robbinsville Township Code, which is the portion of the municipal Code regulating land use and development in and for the Township of Robbinsville.
- 2.3 “Comprehensive Master Plan Update” and “Master Plan Update” shall have the same meaning as “2020 Comprehensive Master Plan Update”.
- 2.4 “County” shall mean the County of Mercer, State of New Jersey.
- 2.5 “Flex-Space” or “Flex-Buildings” shall mean spaces or buildings with open or undefined floorplans that are capable of housing various (typically, but not exclusively, light industrial, warehouse, office, commercial) uses in unspecified percentages.
- 2.6 “Governing Body” shall mean the Robbinsville Township Council.¹²

¹¹ a.k.a. Matrix Business Park @ 7A

¹² Within the context of the various sections of this Comprehensive Master Plan Update, the terms “Robbinsville”, Robbinsville Township”, “Township” and “Governing Body” shall mean the Governing Body of Robbinsville Township.



- 2.7 “Land Use Ordinance” shall mean Chapter 142 (Land Use) shall have the same meaning as Chapter 142.
- 2.8 “*Municipal Land Use Law*” or “*MLUL*” shall mean the New Jersey *Municipal Land Use Law* (N.J.S.A. 40:55D-1 et seq.).
- 2.9 “NJDCA” shall mean the New Jersey Department of Community Affairs and, by extension, shall include the individual divisions and/or offices thereof, including the Office of Planning Advocacy.
- 2.10 “NJDEP” shall mean the New Jersey Department of Environmental Protection and, by extension, shall include the individual divisions and/or offices thereof.
- 2.11 “NJDOT” shall mean the New Jersey Department of Transportation and, by extension, and shall include all divisions and/or offices thereof.
- 2.12 “NJTA” shall mean the New Jersey Turnpike Authority, operators of the New Jersey Turnpike and the Garden State Parkway and, by extension, and shall include all divisions and/or offices thereof.
- 2.13 Office of Planning Advocacy (“OPA”) shall mean the New Jersey Office of Planning Advocacy, successor to the Office of Smart Growth (“OSG”) and the Office of State Planning (“OSP”), operating out of the New Jersey Department of State. As part of its Business Action Center, the OPA is charged with helping to spur economic growth in New Jersey.
- 2.14 “Planning Board” shall mean the Robbinsville Township Planning Board, established pursuant to section 23 of the *Municipal Land Use Law* and operating pursuant to the various regulations of the Township Code and other relevant statutes.
- 2.15 “Publication” shall mean the date printed on the cover of this Comprehensive Master Plan Update, which shall signify the date this document was finalized for submission to the Planning Board.



- 2.16 “*Redevelopment Law*” shall have the same meaning as *Local Redevelopment & Housing Law*.
- 2.17 “Robbinsville” and “Robbinsville Township” shall mean the Township of Robbinsville, a body corporate and politic, and unless otherwise indicated, includes its Governing Body, elected officials, officers and staff.¹²
- 2.18 “State Plan” shall mean the New Jersey *State Development and Redevelopment Plan*, authorized via the State Planning Act of 1985 and last adopted in March, 2001.
- 2.19 “Substantial Improvement” shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10-year period the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. Substantial Improvement also means “Cumulative Substantial Improvement.” This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or “repetitive loss”. The term does not, however, include either:
- (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
 - (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".
- 2.20 “Town Center Plan” and “Town Center Master Plan” shall have the same meaning as “Town Center Zoning & Design Regulations”.
- 2.21 “Town Center Zoning & Design Regulations” shall mean the regulations adopted via Ordinance 97-9, which regulate land use and design for the portion(s) of the Town Center outside of the Town Center South Redevelopment Area.



- 2.22 “Town Center South Redevelopment Plan” shall mean the document entitled *Redevelopment Plan for the Town Center South Redevelopment Area, Robbinsville Township, Mercer County, New Jersey*, prepared by Remington, Vernick & Arango Engineers (dated February 27, 2012, and amended from Time To Time). Such term may also include all supplements thereto.
- 2.23 “Township” shall have the same meaning as Robbinsville.
- 2.24 “Township Council” shall mean the Governing Body of the Township of Robbinsville.¹²
- 2.25 “Township Clerk” shall mean the municipal Clerk of the Township of Robbinsville, who is the statutorily-mandated custodian for the Township’s records.
- 2.26 “2000 Master Plan” shall mean the document entitled Washington Township, Mercer County, New Jersey 2000 Master Plan, prepared by Brown & Keener Urban Design, adopted December 2000.¹³
- 2.27 “2007 Reexamination” shall mean the document entitled Washington Township, Mercer County: Periodic Reexamination of Master Plan Pursuant to N.J.S.A. 40:55D-89 & Land Use Plan Amendment, prepared by the Washington Township Master Plan Subcommittee with assistance from Remington, Vernick & Arango Engineers, adopted March 21, 2007.¹³
- 2.28 “2008 / 2009 Reexamination” shall mean the document entitled Robbinsville Township, Mercer County: Periodic Reexamination of Master Plan AMENDMENT, prepared by the Robbinsville Township Master Plan Subcommittee with assistance from Remington, Vernick & Arango Engineers, adopted October 21, 2008 (Revised January 9, 2009).
- 2.29 “2020 Comprehensive Master Plan Update” or “Comprehensive Master Plan Update” shall mean this document entitled 2020 Comprehensive Master Plan Update & Land Use Plan Amendment: Robbinsville Township, Mercer County, N.J., prepared by **ARH Associates** (with date as appearing on the front cover hereof), including all appendices and related documents included herein by reference.

¹³ Prepared and adopted under Robbinsville’s previous name of Washington Township.

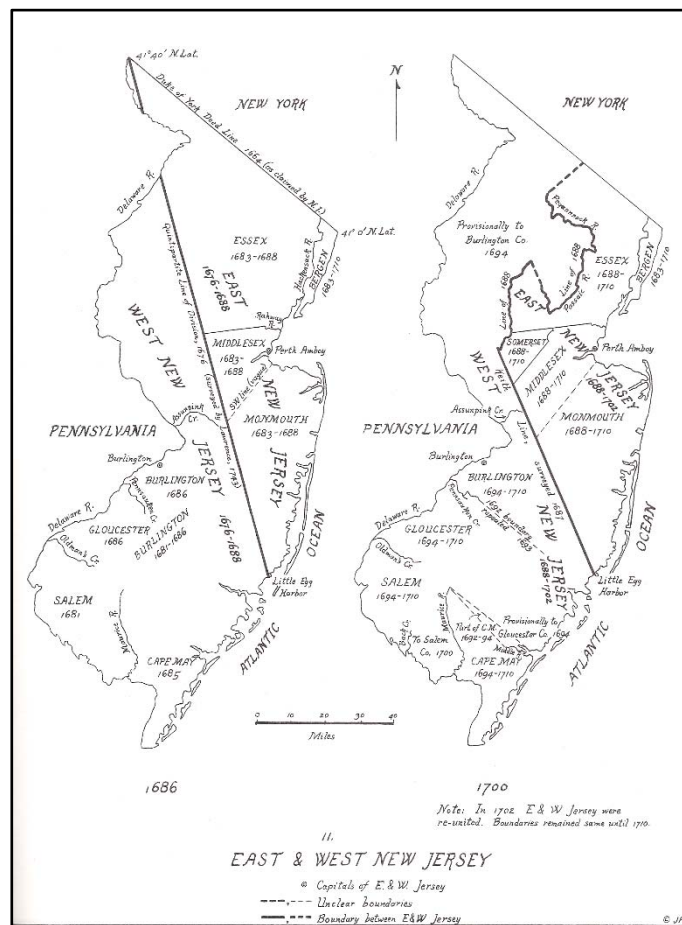
3.0 TOWNSHIP HISTORY

3.1 TOWNSHIP HISTORY ~ A SYNOPSIS¹⁴

3.1.1 FOUNDING / EARLY SETTLEMENT

Although southwestern New Jersey was first claimed by the Dutch and settled by the Swedes in the early 17th Century, the history of the section of the State containing the Township of Robbinsville can be traced to the 1664 capture by the English of what was then called the New Netherland Colony.¹⁵ Following English acquisition, King Charles II gave New Jersey to his brother, the Duke of York (James II), who in turn granted East Jersey to Sir George Carteret and West Jersey to Lord John Berkeley.

Sir Carteret appointed his cousin Philip as Governor and East Jersey was colonized rapidly. Lord Berkeley, however, became discouraged with attempts to settle West Jersey and sold the lands in 1674 for 1,000 francs to Quakers John Fenwick and Edward Billynge. Billynge, then a resident of Salem who owned 90% of the land, transferred his portion to William Penn and two



Master Plan Update Graphic 1¹⁶

¹⁴ Master Plan, Washington Township, Mercer County New Jersey, prepared by Hintz / Nelesen Associates, PC (1985).

¹⁵ While accounts vary, New Netherland can be said to have extended from Albany, New York to the northern portions of Delaware, and included parts of what are now the states of New York, New Jersey, Pennsylvania, Maryland, Connecticut and Delaware. (<https://www.newnetherlandinstitute.org/history-and-heritage/digital-exhibitions/a-tour-of-new-netherland/>)

¹⁶ <http://carlepeters.com/wp-content/uploads/2012/09/East-Jersey-West-jersey-1686-and-17000001-e1347033123380.png>

other trustees, who divided the property into 100 shares and offered the lands for sale. Penn drafted the plan of government¹⁷ which vested all authority in Commissions, the first of which were appointed but which were subsequently elected on an annual basis by the area's residents.

Among the large number of English settlers who arrived in New Jersey in 1677 with the first royal Commissioners were Mahlon Stacy and his family, who became the first European settlers in what was to become Mercer County (founded in 1838). Within 2 years of their arrival, they had constructed a house and a gristmill in the Trenton area. Many Quakers built nearby, creating a small settlement. In 1714, Stacy's son sold 800 acres to William Trent, a prosperous merchant and judge from Philadelphia. Trent, who was also a member of Pennsylvania Assembly, laid out Trent's Town (Trenton) and retired to this homestead. He later became New Jersey's first Chief Justice.

By the time of Trent's death in 1724, most of the region south and west of Trenton, which had been purchased from the indigenous (Leni-Lenape) Native Americans, had been sold and subdivided into farms of 500 to 1,000 acres. The region's residents hailed primarily from England, Scotland, Holland and France. Owing to the religious freedom championed by early Quaker settlers, many religious sects were represented throughout the countryside.

3.1.2 GROWING PROSPERITY

While the precise date of settlement of the Washington Township / East Windsor Township area is not known,¹⁸ accounts have identified the area north of the Old York Road as having been settled by John Chamberlain in or about 1750. Other early settlers were named Hamill, Conover, Schenck, Kowenhoven, Ely, Tindall, Hight and Hutchinson. A Hutchinson house, since demolished, was erected on Pond Road in 1785, and the Combs farm on Line Road was built at about the same time. During this period, Allen's Mill was constructed on Indian River. The Nathan Allen house, a handsome Georgian-style dwelling which overlooks Robbinsville-Allentown Road, built in the early 1700s, can

¹⁷ The Concessions and Agreements of the Proprietors Interested in the Province of West Jersey in America

¹⁸ East Windsor Township was formally established on February 21, 1798. Washington Township was formally established on March 15, 1859.

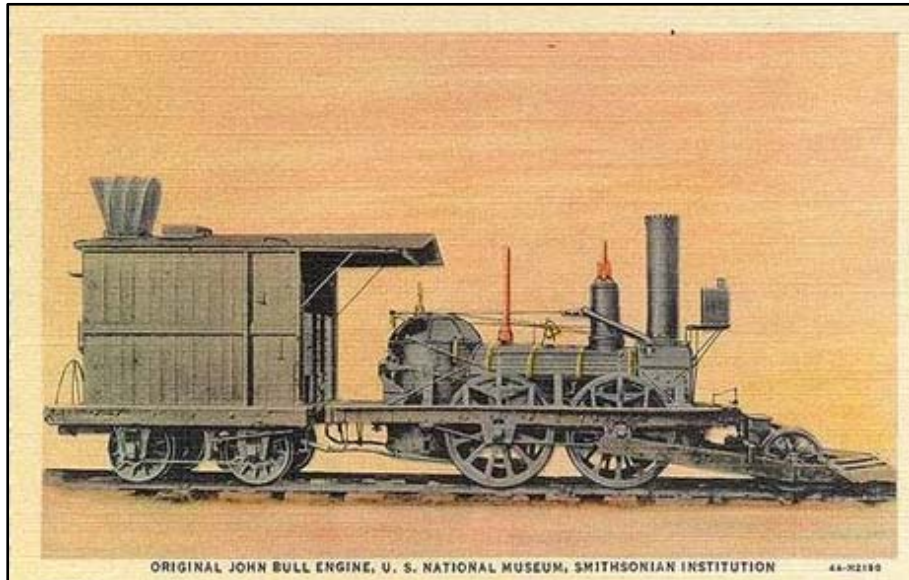
still be observed by passers-by. The Allen, Hutchinson and Carson served the region's early farmers, whose principal crops were corn, rye, potatoes, apples and wheat. The establishment of farms created the need for services and New Sharon, once called Cat-tail, was one of the earliest commercial centers. A house known locally as The Inn of the Crooked Billet, as well as several other houses in the hamlet were constructed prior to the American Revolution.

As the years progressed, New Sharon became a thriving village which contained a tanning yard, shoe manufacturer, wheelwright and blacksmith. In addition, there was a cider and whiskey distillery operated by John Fisher and a hat manufacturing firm run by John and William Story. Members of the Story family, along with Pages and Coopers, were buried in the New Sharon Methodist Church Cemetery. Although their graves are still visible, the Church itself, established in 1812, is no longer standing. Some of the Church members likely lived in Cabbagetown ~ now New Canton ~ which was a cluster of homes near New Sharon. Most of these early structures are still in use. Cemetery records are now kept at Methodist Church in Allentown.

3.1.3 INFLUENCE OF TRANSPORTATION

In 1816, the New Jersey Legislature authorized the construction of the Bordentown ~ South Amboy Turnpike to carry stagecoaches from Philadelphia to New York. The route was established in 1818, permitting a hotel to be enlarged at the stagecoach stop in what was then called Magrilla ~ renamed Centerville in 1818. Centerville subsequently became the Village of Windsor in 1846.

The 1830 Charter granted to the Camden and Amboy Railroad and Transportation Company to link the Raritan Bay and the Delaware River by rail resulted in more growth for Windsor when, in 1832, the line was extended from Bordentown, through Windsor, to Hightstown; thereby making Windsor one of the first New Jersey villages to receive rail service. Area farmers supplied crushed rock for the railbed and were remunerated with one dollar per perch (27 cubic feet). The train was first pulled by horses, which were replaced by the famous John Bull steam engine, which was imported from England, when commercial service was inaugurated in 1833.



Master Plan Update Graphic 2

The construction of the railroad was responsible for continued commercial activity in Windsor. The hotel was enlarged in 1832 and sometime after the creation of Mercer County in 1838, Windsor boasted of 3 general stores, a post office, a passenger station, a freight house, a basket factory, several mills, a school, a harness shop and a blacksmith. The Windsor Methodist Church, built in 1840, was enlarged in 1863 to accommodate the growing population. As the years passed, some residents gathered at the Lazy Bench ~ located near the now rail station / hotel ~ to exchange local gossip.

Although Windsor has suffered the loss of commerce, its isolation from traffic and development has protected it from wholesale change. The 19th Century character of the Village remains largely unspoiled.

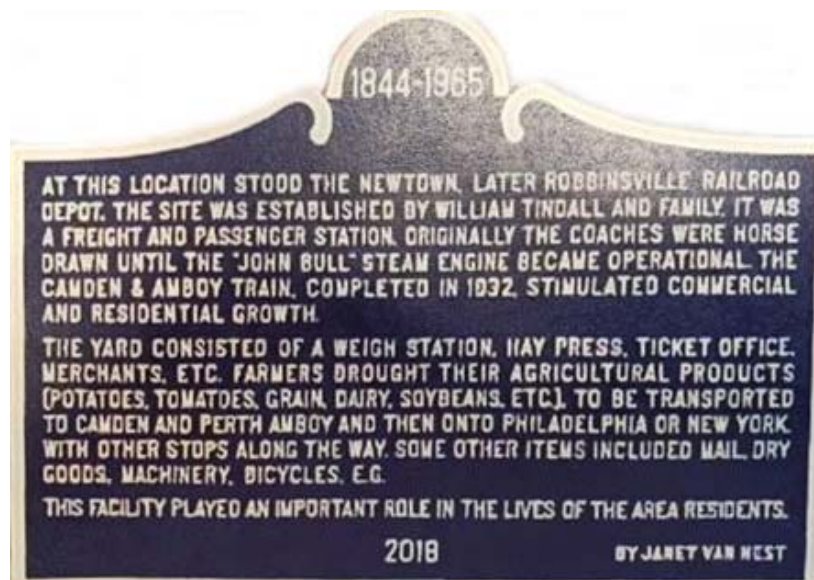
Many of Windsor's early houses ~ constructed from circa 1800 - 1880 ~ remain. One of the earliest styles (Type I) is a 3-bay clapboard house. An excellent example of this architecture with lean-to additions is located on Main Street near the corner of Church Street. Another well-preserved house is a 5-bay clapboard structure with a center entrance (Type II), a number of which have survived Main Street. The entrances of some of these homes are framed by small-paned transoms and sidelights, a feature which was popular during the Greek Revival Period of architecture, which was the era of Windsor's greatest growth.

Later residential architectural styles found throughout the Township include L-shaped houses (Type III) typical of the latter half of the 19th century. During this period, some of the earlier, more modest houses were updated with the addition of bay windows and front porches with turned posts.

Remaining commercial buildings include the renovated Newtown Hotel and the Greek Revival Methodist Church ~ with its classical steeple. While the Methodist cemetery remains, it is no longer encircled by its former white fencing, which, as with many similar fences on residential properties, has been lost over time.

Another Village and Rail Depot was Hungry Hill, which became Newtown, and which changed its name to Robbinsville in 1844. Like Windsor, the railroad spurred growth so that by 1844 (or soon after), in addition to the railroad's freight station, passenger and mail service, it contained the Windsor Railroad House Hotel (built by William Tindall), a wheelwright shop and several stores and houses.

After decades of alternative uses, the Main Street rail depot was demolished in November 2019. The depot is memorialized by this historic placard.



Master Plan Update Graphic 3

3.1.4 WASHINGTON TOWNSHIP

On March 15, 1859, an Act of the New Jersey Assembly created Washington Township, whose 20 square miles consolidated several villages that had formerly been part of East Windsor Township. The first Township election was held at the house kept by Elizabeth Miller in the Village of Windsor. At the time of its establishment, some of the Township's prominent landowners included David Gordon, John Pullen, David Silvers, Jonathan Hutchinson, Ezekiel Delon, James P. Allen, Issac Pullen, John M. Allen, Leonard Hulit, George H. Allen, Nathan Allen and Congressman Dr. George Robbins. Others whose farms prospered in the following years were Ezekiel Gordon, Forman Hutchinson, James E. Day, J. Randolph, James W. Cubberley, John H. Tindall, Elisha and Asa Robbins, Asa Quigley, David Larson and Daniel Hutchinson.

By 1875, Washington Township had a population of 1,294, six (one room) school houses, two hotels and 3 mills, in addition to the Windsor and Robbinsville Camden & Amboy railroad stations and commercial establishments. Businesses in Windsor included a cigar factory, a nursery and a grain warehouse while Robbinsville boasted a carriage factory, several shoemakers and a brokerage firm. Windsor and Robbinsville were shipping-points for the agricultural and dairy produce of the area.

As with much of the Garden State, Washington Township remained a rural, agriculturally-based community through the Second World War, when major changes in transportation altered the face of the Township. The advent of the privately-owned automobile and the modern roadway system ~ principally New Jersey State Highways (Routes) 130 and 33, the New Jersey Turnpike (US I-95) ~ led to the discontinuance of passenger rail service and a significant reduction of freight rail service. These, along with other changes in technology and the advent of the American middle-class, have transformed Windsor and Robbinsville from once-quiet 19th century villages dominated by agriculture, the railroad and the Methodist and (Gothic Revival) Baptist Churches into the bustling community it is today.

The village of Windsor is on both the State and National Register of Historic Places.



As the Township grew and transformed into a desirable community located at what was termed locally “*the center of it all*” certain changes were made to better serve residents and position the municipality for the future. These changes included:

- A. Creation of the Washington Town Center¹⁹ in the Robbinsville section of the Township, with the objective of containing Suburban Sprawl in the face of unprecedented growth, and thereby preserving the character of the rural and agricultural areas within the Township.²⁰ The Town Center was approved via Ordinance in March 1997.
- B. A change in the form of government from a Township Committee structure²¹ to a Mayor-Council form under the *Optional Municipal Charter Law of 1950*²². This change became effective July 1, 2005.
- C. A change in the name of the municipality from one of [then] 6 Washington Townships in the State to Robbinsville Township. This change, which was overwhelmingly approved via Township-wide referendum, became effective January 8, 2008.

3.2 PRIOR MASTER PLANNING EFFORTS²³

- 3.2.1 Robbinsville’s first Land Use Ordinance was adopted in 1949 and a Land Subdivision Ordinance was adopted in 1954.
- 3.2.2 The Township’s original Master Plan was adopted in 1971. A Growth Management Plan was adopted in or about 1980. A Reexamination of the Master Plan was adopted in 1982 and a new Master Plan was adopted in 1985.

¹⁹ A “Center” is a designation conferred by NJDCA after an extensive planning process known as Plan Endorsement, a process whereby municipal, county, regional and State entities responsible for land use and other pertinent planning work in a coordinated effort to increase the degree of consistency among their individual “plans” in order to facilitate the implementation of these plans. A “Town Center” is one of several type of Centers designation.

²⁰ More particularly described in §6.5.19 herein.

²¹ Under N.J.S.A. 40A:63-1 et seq. (Incorporation).

²² N.J.S.A. 40:69A-1 et seq. (a.k.a. Faulkner Act).

²³ Information derived from the 2000 Master Plan.



The 1985 effort was amended in 1986, and companion development regulations were adopted in 1987. A Reexamination of the Master Plan and the land use and development regulations was adopted in 1988.

A Housing Plan Element & Fair Share Plan was added to the Master Plan in October 1986, with revisions adopted in 1988.

A Recycling Plan Element was added to the Master Plan in 1989.

A new Master Plan was adopted in 1990 and reexamined in 1997.

- 3.2.3 The Township's current Master Plan was adopted in December 2000. This effort was in response to the development pressures described in §1.0 herein, and established a vision for the Township that, in pertinent part:²⁴

...emphasizes the fundamental goal of preserving the community's rural character and heritage [focusing] on the need to guide further development towards a pattern of compact villages and commercial crossroad nodes, thereby ensuring that farmland is preserved and farming activities remain viable. It further proposes the maintenance of open spaces and the current quality of life standards...

The goals and objectives of the 2000 Master Plan are reviewed in detail in §5.2.1 herein.

- 3.2.4 As required by the MLUL, the 2000 Master Plan underwent Reexamination by the Planning Board in 2006 / 2007. In addition to correcting errors and clarifying certain components of the 2000 Master Plan, the 2007 Reexamination proposed a number of amendments to the Master Plan's Land Use Plan Element. The Planning Board adopted such Reexamination in March 2007.

Significantly, the 2007 effort evaluated the goals set forth in the 2000 Master Plan within the context of the changing conditions within the Township and established new goals and

²⁴ 2000 Master Plan (p.1)



objectives ~ “*which replace[d] in entirety the goals and objectives set forth in the 2000 Master Plan*”.²⁵

The goals and objectives of the 2007 Reexamination are reviewed in detail in §5.2.2 herein.

- 3.2.5 The Planning Board next addressed the Master Plan in 2008. While presented as a Reexamination / Amendment, the scope of this effort (adopted in 2008 October and revised in January 2009) was limited to a reevaluation and clarification of recommendations contained in the 2007 Reexamination related to the Wittenborn Gateway and the Gateway South sections of the Township.

Recommendations designed to complement the 2007 Reexamination are reviewed in detail in §5.2.3 herein.

3.3 THIS (2020) COMPREHENSIVE MASTER PLAN UPDATE

This (2020) Comprehensive Master Plan Update updates the information, analyses and conclusions contained in the Township’s prior Master Planning efforts *as necessary to address current conditions*, and satisfies all statutory requirements for a Master Plan and Master Plan Reexamination pursuant to N.J.S.A. 40:55D-28 and 89, respectfully.

²⁵ 2007 Reexamination (p.5)

4.0 METHODOLOGY

4.1 This Comprehensive Master Plan Update bases its findings and recommendations on, among other sources:

- The 2000 Master Plan, 2007 Reexamination and 2008 / 2009 Reexamination;
- Tax mapping prepared by Remington & Vernick Engineers and MOD IV parcel data information retained by the Robbinsville Tax Assessor;²⁶
- Visual inspections of the Township conducted for this Master Planning process;
- The Mercer County Master Plan adopted by the Mercer County Planning Board (adopted September 2010, amended in May 2016).
- The State Development and Redevelopment Plan (“State Plan”) prepared by the New Jersey State Planning Commission (March 2001);
- Conversations with Township officials, business leaders and members of the Community; and
- Other pertinent data and planning documents (footnoted as appropriate).

4.2 Maps, graphics and other exhibits from the 2000 Master Plan and the 2007 and 2008 / 2009 Reexaminations used in this Comprehensive Master Plan Update are copied directly from those documents and therefore retain their original numeric designation.

Maps, graphics and other Exhibits prepared for This Comprehensive Master Plan Update are referenced as such and are designated within the context of THIS document.

4.3 In order to review the existing Master Plan(s) in as “comprehensive” a manner as possible, the order of presentation herein reflects the statutory requirements of a Master Plan under N.J.S.A. 40:55D-28 and not of a Reexamination under N.J.S.A 40:55D-89.

²⁶ Geometry current through revision of November 12, 2018. Tax Assessment data current through January 2018.

5.0 STATEMENT OF OBJECTIVES, PRINCIPLES, ASSUMPTIONS, POLICIES & STANDARDS

5.1 MUNICIPAL LAND USE LAW

The *Municipal Land Use Law*²⁷ requires a municipal Master Plan to include “a *Statement of Objectives, Principles, Assumptions, Policies and Standards*²⁸ upon which the constituent proposals for the physical, economic and social development of the municipality are based.”

5.2 PRIOR MASTER PLANNING EFFORTS

5.2.1 2000 MASTER PLAN

The 2000 Master Plan presented Goals and Objectives under the following topic headings:

- Introduction
- Heritage
- Commerce
- Linkages and Edges
- Infrastructure and Sustainability and
- Community

5.2.2 2007 REEXAMINATION

The 2007 Reexamination reviewed the Goals and Objectives of the 2000 Master Plan and found:

- Due to the number of unimproved and underutilized properties along the Township’s primary commercial corridors, an “*imbalance*” between residential and commercial development continued to exist. One result of this situation was a lack of land available to provide “*local neighborhood services*.”
- The conversion of farmland and open space into low-density residential development had continued (and increased).

²⁷ N.J.S.A. 40:55D-28(b)(1)

²⁸ “Statement”

- The rural character of [then] Washington Township was threatened by increasing market pressures for housing development, coupled with provisions of the 2000 Master Plan that failed to prevent the extension of low-density Suburban Sprawl in these areas.
- While the 2000 Master Plan recommended an overlay zone to allow for villages or clusters within the Rural Residential (RR) zone, the location of the villages was not within the Sewer Service Area; thereby making the recommendation unfeasible.
- While clustering was added to the Township Land Use Ordinance, the provision was made optional; thereby limiting its effectiveness in curbing Suburban Sprawl development.

The 2007 Reexamination found that the 2000 Master Plan had not adequately addressed the problems facing Robbinsville and, in fact, concluded that the Township's [then] existing planning and zoning regulations were actually **contributing** to what was termed "*the complete transformation of Washington Township from a somewhat rural community to a suburban area with isolated patches of preserved land and open space.*"

As a result, the 2007 Reexamination replaced, in their entirety, the Goals and Objectives of the 2000 Master Plan with new Goals and Objectives.

5.2.3 2008 / 2009 REEXAMINATION

The 2008 / 2009 Reexamination did not address Master Plan Goals or Objectives.

5.2.4 REVIEW OF ADOPTED GOALS & OBJECTIVES

The Goals and Objectives of the 2000 Master Plan, the related findings of the 2007 Reexamination and the restated Goals and Objectives adopted by the 2007 Reexamination are:

- A. **2000 Master Plan Fundamental Goal:** *Preserve the community's rural character and heritage.*²⁹

²⁹ 2000 Master Plan: Overview §A.



1. Supporting Foci

- a. **Focus:** *Guide further development towards a pattern of compact villages and commercial crossroad nodes; thereby ensuring that farmland is preserved and farming activities remain viable.*
- b. **Focus:** *Maintain open spaces and the current quality of life standards.*
- c. **Focus:** *Address both growth and preservation.*
- d. **Focus:** *Seek a delicate balance between preservation and development; offering as many tools as possible to achieve that balance.*

The Fundamental Goal of the 2000 Master Plan and its supporting foci were repealed but not *specifically* replaced by the 2007 Reexamination.

This Comprehensive Master Plan Update addresses these issues under various Policies and Objectives in §5.3.

B. 2000 Master Plan Heritage Goal: *Protect the rural character, the rural quality of life, and the cultural heritage, of the Township.*³⁰

The 2007 Reexamination found that the Heritage Goal remained applicable, but added the caveat “*where feasible*.”³¹

This Comprehensive Master Plan Update addresses Heritage issues under the various Policies in §5.3.

1. Supporting Objectives³²

- a. **Objective:** *Provide an environment where farming can continue as a viable economic activity, and the farmlands are therefore preserved.*

³⁰ 2000 Master Plan: §I. B.

³¹ 2007 Reexamination §2.1 and §5.1

³² 2007 Reexamination §2.1.1 and §5.1.1



The 2007 Reexamination recognized that the Township attempted to preserve farming by discouraging large lot development through cluster designs³³ and by working with Mercer County and the New Jersey Preservation Program and recommended that the Township:

- Update its Land Preservation map to show existing preserved farmland and proposed parcels for farmland preservation.
- Review the cluster ordinance to determine if any amendments are needed (i.e. additional criteria for preserved lands and proposed layout requirements).

However, the Reexamination did not reaffirm or restate this Objective.

This Comprehensive Master Plan Update addresses this Objective under Farmland Preservation Policy (§5.3.8).

- b. **Objective:** *Promote the preservation of natural open spaces, stream corridors, wetlands, view sheds, forests and the quality of the water and air.*

The 2007 Reexamination recognized that the Township, in conjunction with Mercer County, had promoted open space and stream corridor preservation and recommended the Township be more aggressive in their natural resource preservation efforts and reaffirmed this Objective as originally adopted.

This Comprehensive Master Plan Update addresses this Objective under Conservation Policy (§5.3.7).

- c. **Objective:** *Promote the preservation of historic sites and buildings. Take steps to assure that this will take place in the near future, to prevent further loss of the Township's historic heritage.*

³³ The purpose of cluster design is to provide design flexibility in the subdivision process in order to preserve open space and environmentally sensitive areas. Through the practice of Lot averaging and other mechanisms, efficient utilization of open space and economy of land use are possible (see §142-31).



The 2007 Reexamination recognized that the Township created a Historic Overlay Zone and a Historic Preservation Subcommittee³⁴ and recommended that the Township continue to pursue funding sources to assist with the purchase and preservation of properties. The Reexamination restated this Objective as:

Promote the preservation of historic sites and buildings within the proposed Historic Overlay Zone.

and added a new Objective:

Where appropriate, encourage the adaptive reuse of historic buildings.

This Comprehensive Master Plan Update addresses this Objective under *Historic Preservation Policy* (§5.3.9).

- d. **Objective:** *Plan the pattern of future development so that traffic does not adversely affect the character of the rural roads.*

The 2007 Reexamination recognized that the Township had taken steps to ensure that development along rural roads does not negatively affect the character of the roads³⁵ and restated this Objective as:

Plan the pattern of future development so that traffic does not adversely affect the existing character within the Township.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1) and *Circulation Policy* (§5.3.3).

- e. **Objective:** *Establish planning and design standards so that new developments are of a scale that is compatible with the Township's historic and rural characteristics.*

The 2007 Reexamination recognized that the Township had “taken steps” to implement this Objective by:

³⁴ to help ensure that future development does not negatively impact historic districts, structures and other features within the Township.

³⁵ by “tactics” such as limiting road widenings in front of new developments and placing restrictions on road usage.

- Adopting a Cluster Design Option in the RR and R1.5 zones; thereby allowing for the redistribution of a parcel's development potential to a portion of the parcel and deed restricting the remaining area to permanently prohibit development;
- Adopting a Transfer of Development Rights (TDR) program whereby the development rights of certain parcels are successfully transferred to receiving areas within the Township; and
- Placing the Village of Windsor on the National Register of Historic Places; thereby providing assurance that the historic and rural character of the Village will be maintained.

and reaffirmed this Objective as originally adopted.³⁶

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1) and *Historic Preservation Policy* (§5.3.9).

- f. **Objective:** *Promote a variety of housing types and sizes, including a variety of house lot sizes.*

The 2007 Reexamination recognized that the Township had “taken steps” to implement this Objective by:

- Creating multiple residential zoning districts (each with specific bulk and area standards); and
- Adopting and enforcing a “no-lookalike” ordinance in the residential zones³⁷ to ensure that a variety of housing styles and elevations are provided.

and reaffirmed this Objective as originally adopted.

³⁶ A de minimis modification changed the word “characteristics” to “character”.

³⁷ Excluding the TC and the (MU / ARCD) Zoning Districts.

This Comprehensive Master Plan Update addresses this Objective under *Housing Policy* (§5.3.2).

- g. **Objective:** *Take all steps that are available to direct growth in a way that discourages Sprawl type of development.*

The 2007 Reexamination recognized that the Township had taken steps to implement this Objective by:

- Establishing the Town Center as the focus of the Township's growth;
- Completing a Transfer of Development Rights (TDR) program; and
- Creating the Cluster Option under the RR and R1.5 Zoning Districts,

and reaffirmed this Objective as:

Continue to take steps to direct growth in a way that discourages Sprawl types of development.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1).

- h. **Objective:** *Encourage the provision of small community parks in residential developments (clusters, centers) that are accessible to the whole Township community. These parks will add to the open quality of the community fabric that is so important to the Township's heritage and character.*

The 2007 Reexamination found:

- While the Cluster Option had been successful in providing open space in the RR and R1.5 Zones, the open spaces provided rarely interconnected the community fabric; and
- The open spaces that were provided were often carved out of environmentally-constrained lands that dictated their use as passive (vs. active) recreation.



and recommended that the Township determine if small parks are desirable for smaller subdivisions, with consideration given to a “number of residential lots” threshold for the provision of small community parks.

The Reexamination restated this Objective as:

Encourage the provision of passive open space in residential development, and added in large residential developments and in Town Center, promote the provision of small community parks that are accessible to the whole Township community.

This Comprehensive Master Plan Update addresses this Objective under *Recreation Policy (§5.3.6) herein.*

C. 2000 Master Plan Commerce Goal: *Encourage office and retail uses to locate in a pattern of compact nodes in the Township.*³⁸

The 2007 Reexamination found that this style of development had not generated significant interest along the main commercial corridors of the Township and therefore there had been no such development in the Township since the adoption of the 2000 Master Plan. It was therefore recommended that the Commerce Goal and its associated Objectives be “*significantly revised and updated to promote realistic forms of commercial development.*”

The Commerce Goal was revised as:

*Encourage new commercial development and redevelopment projects in designated areas of the community thereby balancing new development and ratables with the needs of the community.*³⁹

This Comprehensive Master Plan Update addresses Commerce issues under *Land Use Policy (§5.3.1).*

³⁸ 2000 Master Plan: §I. C.

³⁹ 2007 Reexamination §2.2 and §5.2.



1. Supporting Objectives^{38 & 40}

- a. **Objective:** *Village commercial and highway center uses should relate to the local marketplace. Commercial and office campus uses near the Turnpike should relate to the regional marketplace, and should be concentrated in the vicinity of the I-195 / Turnpike intersection. In no event should large regional shopping centers be encouraged.*

The Reexamination revised this Objective as:

Encourage the redevelopment of specific areas along Route 130.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1).

- b. **Objective:** *Encourage the development of new businesses, and the expansion of existing businesses, in appropriate areas, which result in jobs that can be filled by the residents of the Township.*

The Reexamination revised this Objective as:

Promote retail and office development that is at a pedestrian-scale and that is aesthetically-pleasing to the public through the use of architecture, landscaping and buffers, and by adopting on-premises sign regulations which promote safety and prevent sign proliferation.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1).

- c. **Objective:** *Identify the Trenton-Robbinsville Airport as an economic asset to the Township; balance this value of the Airport with the needs of the adjacent residential and commercial properties. Remember that the preservation of the rural character and quality of life applies to the Airport's residential neighbors as much as it does to the rest of the Township.*

⁴⁰ 2007 Reexamination §2.2.1 and §5.2.1



The Reexamination revised this Objective as:

Recognize the Trenton-Robbinsville Airport as an economic asset to the Township, but ensure a balance with the needs of the adjacent residential and commercial properties. Preserve the rural character and quality of life to the Airport's residential neighbors.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1).

- d. **Objective:** *Continue to support the development of Town Center concept, and apply that concept to other commercial / retail nodes.*

The Reexamination revised this Objective as:

Continue to support the development of the Town Center concept and uses that are mutually supportive and integrate residential, office, and commercial land uses at appropriate locations within the Township.

Recognizing that the existing parking scheme in the Town Center is inadequate for many operations desired by the Township, the Reexamination added to this Objective:

In an effort to attract national retailers to Town Center, research methods to provide additional parking within and adjacent to Town Center.

- e. The 2007 Reexamination added the following Objectives under the Commerce Goal:

- **Objective:** *Encourage the development of “flex” uses in specific areas. “Flex” uses are buildings that contain a certain percentage of a light industrial or warehouse use and the remaining percentage is devoted to commercial uses.*
- **Objective:** *Due to environmental constraints in the commercial areas of the Township, encourage vertical patterns of commercial development versus linear commercial development patterns.*

- **Objective:** *The Township should endeavor to create a sustainable economy for the Township by taking steps to assure that housing development is balanced with new commercial development.*

This Comprehensive Master Plan Update addresses these Objectives under *Land Use Policy* (§5.3.1).

- D. **2000 Master Plan Linkages & Edges Goal:** *Connect centers, neighborhoods and other destinations. Improve the quality and legibility [sic] of the Township's network of roadways, trails, and gateways. Create appropriate edges, barriers and buffers to distinguish agricultural lands from developing areas, creating an enduring landscape which minimizes land use conflicts.*⁴¹

The 2007 Reexamination found that while this Goal remained applicable, “*intermittent development patterns, neighborhood resistance to trails that run between or adjacent to private property, private property restrictions and environmental constraints have affected the feasibility*” of achieving the desired connections and recommended that “*current linkages be examined and a new assessment of possible and practical linkages be developed.*”

The Reexamination reaffirmed the Linkages & Edges Goal as originally adopted.⁴²

This Comprehensive Master Plan Update addresses Linkage & Edge issues under *Land Use Policy* (§5.3.1) and *Circulation Policy* (§5.3.3).

1. Supporting Objectives⁴³

The 2007 Reexamination found that the Linkages & Edges Objectives as adopted were “*generally not pragmatic and did not serve as effective guides for implementation*” and recommended that they be reviewed and amended.

⁴¹ 2000 Maser Plan §I. D.

⁴² 2007 Reexamination §2.3 and §5.3

⁴³ 2007 Reexamination §2.3.1 and §5.3.1

- a. **Objective:** *Respect and respond to the adjacent communities at the Township's edges, including especially their aspirations to preserve farmland and to create regional trail systems. In addition, respond to any plans of these communities that could have an adverse effect on Washington Township.*

The Reexamination found that this Objective remained applicable but required revision and recommended that the Township:

- Continue to coordinate with Mercer County in preservation and open space acquisition efforts;⁴⁴ and
- Review neighboring municipalities' master plans to ensure their goals are consistent with the Township's goals and revise this Objective accordingly.

The Reexamination restated the Objective as:

Promote the development of linear regional trails along the Assunpink Creek, Miry Run, and Bear Brook Creek in conjunction with the surrounding municipalities and counties by requesting conservation easements during the development review process and by supporting public acquisition efforts of adjacent parcels.

This Comprehensive Master Plan Update addresses this Objective under *Recreation Policy* (§5.3.6) and *Farmland Preservation Policy* (§5.3.8).

- b. **Objective:** *Encourage patterns of development, and create connections between the various development areas, that will promote walking and biking to the schools, the library, shops, employment, and nearby neighborhoods.*

The 2007 Reexamination:

⁴⁴ During the development review process, the Township has requested conservation easements along the Assunpink Creek as well as Miry Run and Bear Brook Creek to help support the creation of linear regional trails.

- Recognized that the Township had requested that sidewalks be provided throughout residential neighborhoods and along primary access roads but found, due to various constraints, connections were not always feasible;
- Recommended that the Township examine current development patterns as well as environmental constraints and revise this Objective “to reflect more reasonable connection opportunities”; and
- Restated this Objective as:

Encourage sidewalks, where deemed applicable, within all residential developments and along the primary access roads.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1) and *Circulation Policy* (§5.3.3).

- c. **Objective:** *Promote patterns of development that will eventually permit the use of public transportation.*

The 2007 Reexamination recognized that:

- Public transportation was not utilized by the majority of Township residents;
- The higher density development located in Town Center was generating traffic that could be alleviated by encouraging public transportation;

and recommended that this Objective be “reviewed and revised to reflect practical and feasible locations and routes for public transportation.” Public transit to nearby commuter rail stations was also recommended for consideration.

The Reexamination restated this Objective as:

Promote patterns of development that will eventually facilitate the use of public transportation.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1) and *Circulation Policy* (§5.3.3).

- d. **Objective:** *Promote interconnecting bike and walking trails throughout the Township. Develop a plan for the trails that takes full advantage of both the open spaces and the edges of the rural roads.*

The 2007 Reexamination found that while this Objective remained applicable, bicycling and walking trails through certain areas of the Township are not practical and recommended:

- That a reassessment of these trails be completed; and
- An inventory of existing rural roads be undertaken to ensure that a rural road is connected to either another rural road, a road with a sidewalk or an adjacent trail system.

The Reexamination restated this Objective as:

Promote interconnecting bicycle and walking trails throughout the Township. Develop a plan for the trails that acknowledges intermittent development patterns, neighborhood resistance to trails that run between or adjacent to private property, private property restrictions, and environmental constraints.

This Comprehensive Master Plan Update addresses this Objective under *Circulation Policy* (§5.3.3) and *Recreation Policy* (§5.3.6).

- e. **Objective:** *Establish visual and operational design criteria for roadways that preserve their rural character.*

The 2007 Reexamination recommended that:

- An inventory of existing rural roads be completed;
- This Objective be revised to reflect the current status of rural roads; and

- Steps be taken to prevent unnecessary road widenings and to encourage the preservation of trees along rights-of-way.

and restated this Objective as:

Establish visual and operational design criteria for roadways that encourages the use of street trees and appropriate landscaping.

This Comprehensive Master Plan Update addresses this Objective under *Circulation Policy* (§5.3.3).

- f. **Objective:** *Encourage commercial developments that take advantage of the existing roadways, and that encourage walking among them, so that new roads and road widenings are unnecessary.*

The 2007 Reexamination found that this Objective remained applicable but that the style of commercial development desired and the feasibility of such development needed to be reevaluated. The Reexamination did not reaffirm or restate this Objective.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1)

- g. **Objective:** *Recognize and define the Trenton-Robbinsville Airport's development constraints, and the potential impacts on adjoining properties. Carefully evaluate the impact on roadways, noise, safety, air quality and, perhaps most importantly, the activities of the Sharon School.*

The 2007 Reexamination:

- Recognized that the New Jersey Air Safety and Hazardous Zoning Act regulates uses which lie within the Airport Hazard Safety Zone. Under these regulations, the minimum residential lot size is 3 acres. This

requirement overrides those of Robbinsville's RR, R1.5 and VD Zones which lie within the Airport Hazard Safety Zone;

- Recommended that this Objective be reviewed and revised to reflect the limitations on land development, with consideration given to the development impact on roadways, noise, air quality, and surrounding uses.

and restated the Objective as:

Recognize and define the Trenton-Robbinsville Airport's development constraints, and the environmental impacts on adjoining properties.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1).

- h. **Objective:** *Recognize the historic character, infrastructure, and special scale of Allentown in the planning of future development and future traffic movements in the southeastern corner of the community.*

The 2007 Reexamination recommended that this Objective be revised to state that “*the Township will develop specific ordinances, taking into account the relationship of the proposed development in the Township to the surrounding area, including adjacent municipalities.*”

Despite this recommendation, the Reexamination did not reaffirm or restate this Objective. It did add the following Objective under the Linkages & Edges Goal.

Continue to work to ensure that the fire department can respond to meet acceptable insurance industry standards to all areas of the Township, and to encourage the creation of streets and cut-throughs for the exclusive use by emergency vehicles.

This Comprehensive Master Plan Update addresses this Objective under *Circulation Policy* (§5.3.3).

- E. **2000 Master Plan Infrastructure & Sustainability Goal:** *Ensure that investment in infrastructure supports a sustainable pattern of land uses which builds on past public investment in roads, schools, utilities and public open space.*⁴⁵

The 2007 Reexamination recognized that this Goal overlaps other goals and is therefore redundant and recommends that it either be “significantly revised” or incorporated into such other Goals. If revised, the Reexamination recommended that it “reflect current development patterns and include Objectives which are relevant and which can be implemented...”

This Goal was restated as:

*Balance the investment in infrastructure against the other goals and policies of the Township Master Plan and ensure that such infrastructure enhances the quality of life within the Washington Township community.*⁴⁶

This Comprehensive Master Plan Update addresses Infrastructure & Sustainability issues under *Infrastructure Policy* (§5.3.4).

1. Supporting Objectives⁴⁷

- a. **Objective:** *Identify the immediate and future needs of the schools.*

The 2007 Reexamination recognized that this Objective was being addressed by the Board of Education and was therefore not reaffirmed or restated.

This Comprehensive Master Plan Update recognizes that schools properly fall under the jurisdiction of the Board of Education and defers related policies to that body.

- b. **Objective:** *Identify the future needs of public facilities and lands; take steps for early acquisition of those lands.*

⁴⁵ 2000 Master Plan §I. E.

⁴⁶ 2007 Reexamination §2.4 and §5.4

⁴⁷ 2007 Reexamination §2.4.1 and §5.4.1

The 2007 Reexamination recommended that the Township undertake an inventory of lands available for acquisition and assign each such parcel an acquisition priority, and restated this Objective as:

Work with various public agencies to help identify the future needs of public facilities and lands; if necessary, take steps for early acquisition of those lands.

This Comprehensive Master Plan Update addresses this Objective under *Community Facilities Policy* (§5.3.5) and *Conservation Policy* (§5.3.7).

- c. **Objective:** *To help prevent increases in real estate taxes, and to create a sustainable economy for the Township, assure that housing development is balanced with new commercial development.*

The 2007 Reexamination recognized that while this Objective remained applicable, it may be better served under the Commercial Goal⁴⁸ and was therefore not reaffirmed or restated under Infrastructure & Sustainability.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1).

- d. **Objective:** *Support the Township's commitment to provide recreational and cultural facilities and programs that are designed to accommodate the needs of residents of all ages.*

The 2007 Reexamination recognized that the Township had taken “*numerous steps*” to implement this Objective. Examples cited were the Township's:

- Public Library, which provides story times designated for young children and arts-and-crafts programs for slightly older children;

⁴⁸ §5.2.4 C.1. herein.



- Senior Center, which provides meals, counseling and activities focused around the needs of the senior community;
- Arts Council; and
- Recreation Program.

Additionally, the Robbinsville Parent Teacher Association (PTA) sponsors a variety of cultural events and a volunteer Recreational Program provides diverse athletic opportunities to the children of the Township.

The Reexamination recommended that this Objective be revised to include greater detail on additional recreational and cultural facilities and programs desired and restated this Objective as:

Continue to support the Township's commitment to provide recreational and cultural facilities and programs that are designed to accommodate the needs of residents of all ages.

This Comprehensive Master Plan Update addresses this Objective under *Recreation Policy* (§5.3.6).

- e. **Objective:** *Encourage development that promotes walking, biking, and (in the future) the use of public transportation ~ thus reducing automobile trips in the Township.*

The 2007 Reexamination recognized that this Objective overlaps the Linkages & Edges Goal⁴⁹ and was therefore not reaffirmed or restated under Infrastructure & Sustainability.

This Comprehensive Master Plan Update addresses this Objective under *Circulation Policy* (§5.3.3).

⁴⁹ §5.2.4 D.1. herein.

- f. **Objective:** *Promote the recovery of recyclable materials from solid wastes.*

The 2007 Reexamination recognized that this Objective remained applicable but that the Township did not [then] have a Recycling Element of the Master Plan. The Reexamination suggested that recycling be addressed by the Township's Department of Public Works and restated the Objective as:

In conjunction with the Washington Township Department of Public Works and the County of Mercer, promote the recovery of recyclable materials from solid wastes.

This Comprehensive Master Plan Update addresses this Objective under *Recycling Policy* (§5.3.10).

- g. **Objective:** *Encourage the use of building and landscape materials, and individual building designs, that promote energy efficiency and that are environmentally sensitive in their manufacture and use.*

The 2007 Reexamination recognized that this Objective remained applicable and recommended that it be restated to provide greater detail on how to encourage energy efficient buildings and landscaping. Despite this recommendation, the Reexamination restated this Objective as:

Consider adopting ordinances which encourage the use of buildings and landscape materials that promote energy efficiency and that are environmentally sensitive in their manufacture and use.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1).

- h. **Objective:** *Encourage development that promotes resource conservation and, where appropriate, the reuse of farmland for recreational purposes.*

The 2007 Reexamination recognized that this Objective was partially addressed under the Heritage Goal and accompanying Objectives, but remained applicable.



This Comprehensive Master Plan Update addresses this Objective under *Conservation Policy* (§5.3.7) and *Farmland Preservation Policy* (§5.3.8).

- i. **Objective:** *The planning of public parks and/or playgrounds should make them easily accessible to all of the population groups of the Township. This planning process should include small community parks in the various neighborhoods of the Township.*

The 2007 Reexamination recognized that this Objective remained applicable but recommended that it be combined under the Heritage Goal to avoid redundancy.⁵⁰

This Comprehensive Master Plan Update addresses this Objective under *Recreation Policy* (§5.3.6).

- j. **Objective:** *Coordinate public open spaces with a larger regional plan for conservation and recreation.*

The 2007 Reexamination recognized that the Township was working with Mercer County in the acquisition of open spaces for recreation and conservation and that this Objective remained applicable. The Reexamination reaffirmed the Objective as:

Continue to work with Mercer County to coordinate public open spaces with a larger regional plan for conservation and recreation.

This Comprehensive Master Plan Update addresses this Objective under *Recreation Policy* (§5.3.6) and *Conservation Policy* (§5.3.7).

- k. **Objective:** *Take steps to assure that the results of large commercial developments in adjacent communities do not adversely affect the traffic and development in the Township, and that the Township retains its ability to achieve its Goals and Objectives.*

⁵⁰ §5.2.4 B.1. herein.

The 2007 Reexamination recommended that:

- The Township define what steps should be taken to ensure that impacts are addressed; and
- This Objective be rewritten to include more specific language.

Despite this recommendation, the Reexamination did not reaffirm or restate this Objective.

While the Township hopes and encourages its neighbors to act in accordance with *MLUL* Purpose 'd' (N.J.S.A. 40:55D-2(d))⁵¹ it recognizes that municipalities are quite limited in their ability to influence the activities of their neighbor. Accordingly, this Comprehensive Master Plan Update does not address this Objective.

- I. The 2007 Reexamination added the following Objectives under the Infrastructure & Sustainability Goal:⁵²

- **Objective:** *Encourage the necessary infrastructure improvements to help the Township provide housing and services for the entire population.*

This Comprehensive Master Plan Update addresses this Objective under *Infrastructure Policy* (§5.3.4).

- **Objective:** *Encourage the submission of a Traffic Impact Statement, Community Impact Statement and Environmental Impact Statement with all new development applications.*
- **Objective:** *Consider reviewing and updating the requirements for the Traffic Impact Statement, Community Impact Statement and*

⁵¹ "To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole."

⁵² For clarity purposes, the 2 Objectives adopted in the 2007 Reexamination were separated into 4 Objectives in this Comprehensive Master Plan Update.



Environmental Impact Statement in an effort to make the documents more effective and useful to the Planning and Zoning Boards.

- **Objective:** *For development applications in adjoining communities that could affect the Township, request review of appropriate documentation.*

This Comprehensive Master Plan Update addresses these three Objectives under *Land Use Policy* (§5.3.1).

- F. **2000 Master Plan Community Goal:** *Encourage a sense of "one community" throughout the Township, where all the separate areas and neighborhoods feel connected to the Township, and where the designs of individual homes, businesses and shops promote their connections to each other and to their adjacent neighborhoods.*⁵³

The 2007 Reexamination found that while the Community Goal remained valid, many of the associated Objectives in the 2000 Master Plan were redundant. While the Reexamination reaffirmed the Community Goal as originally adopted,⁵⁴ it recommended that new Objectives be considered.

This Comprehensive Master Plan Update addresses Community issues under the various Policies in §5.3.

1. Supporting Objectives⁵⁵

- a. **Objective:** *Create trail and sidewalk connections between the various development areas, to promote walking, bicycling, jogging, etc. to all of the activities of the Township.*

⁵³ 2000 Maser Plan §I. F.

⁵⁴ 2007 Reexamination §2.5 and §5.5

⁵⁵ 2007 Reexamination §2.5.1 and §5.5.1

The 2007 Reexamination recognized that this Objective was addressed under the Linkages & Edges Goal.⁵⁶ While the Reexamination recommended that the Objective be deleted, it was restated as:

Design and develop land use to ensure compatibility and appropriate transitions as well as uses that vary in scale.

This Comprehensive Master Plan Update addresses this Objective under *Circulation Policy* (§5.3.3).

- b. **Objective:** *Revise the current planning methods for cluster design and planning, to assure that they become neighborhoods that are linked in many ways to the wider Township community.*

The 2007 Reexamination recognized that this Objective overlaps with Objectives under the Heritage Goal⁵⁷ and the Linkages & Edges Goal⁵⁶ and recommended, if possible, that the Township consolidate the Objectives under one Goal. This Objective was therefore not reaffirmed or restated under Community.

This Comprehensive Master Plan Update addresses this Objective under *Circulation Policy* (§5.3.3).

- c. **Objective:** *Discourage site design proposals that isolate residents by buffers, berms and reverse frontages.*

The 2007 Reexamination recognized that while the Township had discouraged developers from rear frontage,⁵⁸ the Objective could more clearly define where buffers are desired.

⁵⁶ §5.2.4 D.1. herein.

⁵⁷ §5.2.4 B.1. herein.

⁵⁸ as it creates an inconsistent street wall and discourages interaction between neighborhoods.

Despite this recommendation, the Reexamination reaffirmed this Objective as originally adopted.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1).

- d. **Objective:** *Preserve the narrow rural roads, to minimize the speed of traffic, and to encourage safety. Roads should be designed so that easy access between neighborhoods is maintained, and that they will accommodate walkers and bikers as part of a pedestrian linkage system for the whole Township.*

The 2007 Reexamination recognized that rural roads are discussed under the Linkages & Edges Goal.⁵⁶ This Objective was therefore not reaffirmed or restated under Community.

This Comprehensive Master Plan Update addresses this Objective under *Circulation Policy* (§5.3.3).

- e. **Objective:** *Create a place where people of all ages can live, and can circulate easily to join in community life. Avoid creating a place that relies entirely on the automobile for movement and connection.*

The 2007 Reexamination recognized that this Objective was being met through the development of Town Center as well as the proposed bicycle paths and trails throughout the Township and restated this Objective as:

Continue to support the development of Town Center as a place where people of all ages can live, and can circulate easily to join in community life.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1) and *Circulation Policy* (§5.3.3).

- f. **Objective:** *When residential development occurs, public parks and/or playgrounds should be planned that accommodate recreational demand anticipated by the new residents. These parks should be designed to be readily available and accessible to others in the Township.*

The 2007 Reexamination recognized that this Objective was discussed under the Heritage and Infrastructure & Sustainability Goals.⁵⁹ While the Reexamination recommended that the Objective be consolidated under one Goal, it was restated under the Community Goal as:

Continue to advance the creation of community parks and recreation areas.

This Comprehensive Master Plan Update addresses this Objective under *Recreation Policy* (§5.3.6).

- g. **Objective:** *Encourage the creation of jobs in the Township which can be filled by the residents of all ages, and which can be easily accessible to the community by its roads and trails.*

The 2007 Reexamination recognized that:

- The office and commercial development in Town Center would help to create jobs that could be filled by Township residents;
- Residents who live in Town Center will be able to walk or bike to their places of employment; but
- Residents of other areas would have to rely on a private automobile for their commute.

and restated this Objective as:

⁵⁹ §5.2.4 B.1 & E.1 herein.



Encourage the creation of jobs in the Township which can easily be filled by residents of all ages.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1).

- h. **Objective:** *Establish circulation and land use patterns that make the Town Center become the focus of Township life.*

The 2007 Reexamination recognized that this Objective overlapped with other Objectives under the Community Goal and was therefore not reaffirmed or restated as an independent Objective.

This Comprehensive Master Plan Update addresses this Objective under *Land Use Policy* (§5.3.1) and *Circulation Policy* (§5.3.3).

5.3 THIS COMPREHENSIVE MASTER PLAN UPDATE

The organization of the Goals and Objectives of the 2000 Master Plan and the 2007 Reexamination (§5.2 herein) do not follow the structure of the various (topic-specific) Master Plan Elements as presented in the *Municipal Land Use Law*.⁶⁰ Accordingly, the organization of the 2000 Master Plan does not allow for as close a linkage to the statutory guidance for a Master Plan as would be the case if it were organized under the *MLUL* format.

⁶⁰ N.J.S.A. 40:55D-28

- Statement of Objectives, Principles, Assumptions, Policies & Standards
- Land Use Plan Element
- Housing Plan Element
- Circulation Plan Element
- Utility Service Plan Element
- Community Facilities Plan Element
- Recreation Plan Element
- Conservation Plan Element
- Economic Plan Element
- Historic Preservation Plan Element
- Recycling Plan Element
- Farmland Preservation Plan Element
- Development Transfer Plan Element
- Educational Facilities Plan Element
- Green Buildings & Environmental Sustainability Plan Element

In order to provide a context for the various Objectives, Principles, Assumptions, Policies and Standards presented in this Comprehensive Master Plan Update and maximize the linkages between them and the individual topic-specific Master Plan Elements as presented in the *MLUL*, this Master Plan Update:

- Reorganizes the adopted Goals and Objectives of the 2000 Master Plan, as modified via the 2007 Reexamination, under the *MLUL* format;
- Generally, presents recurring items once under the most applicable Master Plan Element (unless otherwise appropriate); and
- Updates and restates prior Goals and Objectives as Principles and Policies to reflect current conditions and municipal direction.

5.3.1 LAND USE POLICY

A. **Principle:** The *MLUL* grants municipalities the power to control the physical development of the lands within their corporate boundaries and provides guiding purposes⁶¹ to be achieved by their land use/development regulations. Specifically:

- (1) *Encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;*
- (2) *Secure safety from fire, flood, panic and other natural and man-made disasters;*
- (3) *Provide adequate light, air and open space;*
- (4) *Ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;*
- (5) *Promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;*

⁶¹ N.J.S.A. 40:55D-2

- (6) *Encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;*
- (7) *Provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;*
- (8) *Encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;*
- (9) *Promote a desirable visual environment through creative development techniques and good civic design and arrangement;*
- (10) *Promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent Urban Sprawl and degradation of the environment through improper use of land;*
- (11) *Encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;*
- (12) *Encourage senior citizen community housing construction;*
- (13) *Encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;*
- (14) *Promote utilization of renewable energy resources;*
- (15) *Promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs;*
- (16) *To enable municipalities the flexibility to offer alternatives to traditional development, through the use of equitable and effective planning tools including clustering, transferring development rights, and lot-size averaging in order to concentrate development in areas where growth*

can best be accommodated and maximized while preserving agricultural lands, open space, and historic sites; and

- (17) *To ensure that the development of individual municipalities does not unnecessarily encroach upon military facilities or negatively impact the operation of military facilities, and to those ends, to encourage municipalities to collaborate with military facility commanders in planning and implementing appropriate land use controls, thereby improving the vitality of military facilities and protecting against their loss through the Base Realignment and Closure process or mission loss.*

Strategy: Robbinsville affirms its commitment to these purposes and adopts them as general guidelines for this Comprehensive Master Plan Update, the Township's Land Use Ordinance, and for the policies and practices for all appropriate municipal agencies in the administration of their duties and responsibilities.

B. **Principle:** This Comprehensive Master Plan Update recognizes that the economic and development climate in Robbinsville has undergone a transformation since the (approximately) mid-1990s, from a rural community with isolated village development to a suburban community with significant traffic congestion and ever-increasing demands on public resources to maintain a high quality of life. While attempts have been made to ameliorate these changes, the Township's planning and development-related policies have not been fully successful in blunting the market forces at work.

1. **Strategy:** Review and update municipal policies and regulations on an ongoing basis to ensure that Policymakers are working with the most up-to-date information.
2. **Strategy:** Review and update Application Submission Requirements (Checklists) on an ongoing basis to ensure that Board members have all necessary information with which to review land use Applications. Add new checklists as appropriate.
3. **Strategy:** Establish a regulatory approach which balances the desires of the development community to produce residential projects with the Township's need to limit residential growth and to ameliorate the pressures such growth places on the local school system and therefore the tax base.

4. **Strategy:** Support non-residential and mixed-use land uses as well as public and private, active and passive, open and enclosed spaces and amenities, designed collectively to maintain Robbinsville's position as an attractive and affordable place to live, work and recreate.
5. **Strategy:** Support economic activity along the New Jersey Turnpike (US I-95), I-195, Route 130 and Route 33 where Federal and State actions have established transportation corridors for the movement of people, goods and services.
6. **Strategy:** Within the context of Strategy B.5.:
 - a. Establish *pro-growth zoning* to encompass lands within specified distance(s) from these rights-of-way.
 - b. Review and revise existing land use regulations for these zones to maximize development potential.
 - c. Balance the desires of the Township:
 - For pedestrian-scaled, aesthetically-pleasing development with high-concept architecture, landscaping and buffering; and
 - To prevent sign proliferation (sign pollution)against the needs of the facilities to be visible to their patron base(s) as well as the public safety needs of the community.
 - d. Recognize that buildout of lands along the New Jersey Turnpike (US I-95), I-195, Route 130 and Route 33 may require access from other than such rights-of-way and permit the creation of new rights-of-way and/or the widening of and other improvements to existing rights-of-way to support such buildout.

Limit such widenings / improvements to the minimum necessary to support buildout along these rights-of-way and discourage widenings / improvements elsewhere in the Township.

Encourage street trees and landscaping and discourage the elimination of street trees and specimen landscaping as part of any such design.

- e. Continue to encourage the development of “flex” uses, which are buildings with open or undefined floorplans that are capable of housing light industrial, warehouse and office uses, where access to the general public is not appropriate or practicable. Permit general commercial (accessory retail, personal service and publicly-oriented office) uses where access to the general public is appropriate and practicable.
- f. Employ Vertical Development if and where appropriate as a means to provide for growth where traditional (horizontal) development is encumbered by environmental constraints.

7. **Strategy:** The *Municipal Land Use Law*⁶² permits the Planning Board⁶³ to grant extensions to Preliminary and Final Subdivision and Site Plan approvals for up to 3 years from the date on which the resolution of Approval was adopted. During such extension periods,

...the general terms and conditions on which [the approval] was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; and, in the case of a site plan, any requirements peculiar to site plan approval...; except that nothing herein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety...

In certain large subdivisions or site plans, the Planning Board may grant an extension for a period longer than 3 years, depending on:

- The number of dwelling units and nonresidential floor area permissible under the approval,

⁶² N.J.S.A. 40:55D-49 and N.J.S.A. 40:55D-52

⁶³ and the Zoning Board of Adjustment, as the case may be.

- Economic conditions, and
- The comprehensiveness of the development.

Such requests for extensions are not uncommon in Robbinsville, and are often for larger projects with major impacts on the Township. While the Township requires extensive information for initial applications, there was theretofore no mechanism in place to require updated information for an extension.

In February 2019, the Township adopted Ordinance No. 2018-15, which amended §142-74 of the Township Code entitled, “Application of Requirements” in order to “require applicants seeking extensions of previous approvals to provide more complete information” than was previously required. Specifically,

- §142-74(E)(3) was amended and supplemented to include a new subparagraph (g):

For extensions of prior approvals, the applicant shall provide copies of all prior Resolutions of the Board concerning the application, as well as a new Traffic Impact Study, Community Impact Study and Environmental Impact Study. Requests for extensions shall be made by application to the appropriate Board. The Board retains the right to request more information as deemed necessary in order to properly evaluate the request for an extension, all in accordance with the provisions of N.J.S.A. 40:55D-52.

- A new Checklist for Extensions of Prior Approvals, Appendix D, Schedule G, was added and made a part of the Ordinance.
- §142-84 was amended to provide that fees for Subdivisions or Site Plan Extension Applications shall be the same as the original fee paid, with a minimum Escrow deposit of \$2,500.

C. **Principle:** The adoption of changes to a Zoning Map or Zoning Regulations (Zoning Ordinance), including those attendant to a Master Plan Reexamination, typically results in uses or structures becoming nonconforming ~ i.e., no longer conforming to the zoning in place prior to the adoption of the Ordinance.

As a practical matter, property-owners are not permitted to undertake an activity that is no longer permissible as the result of the adoption of such an Ordinance. This situation may (potentially) impact the existing owners of a property as well as a prospective purchaser, prospective mortgagee, or other person interested in any land upon which a nonconforming use or structure exists.

In recognizing this issue, N.J.S.A. 40:55D-68 provides that:

Any nonconforming use or structure existing at the time of the passage of an Ordinance may be continued upon the lot or in the structure so occupied and any such structure may be restored or repaired in the event of partial destruction thereof.

The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a Certificate [of Nonconformity] certifying that the use or structure existed before the adoption of the Ordinance which rendered the use or structure nonconforming. The Applicant shall have the burden of proof.

Application pursuant hereto may be made to the Administrative [Zoning] Officer within 1 year of the adoption of the Ordinance which rendered the use or structure nonconforming or at any time to the Board of Adjustment...

Robbinsville is increasingly seeing applications for Certificates of Nonconformity as the result of prior Ordinance changes, and may expect to see additional applications attendant to this Master Plan Update. While the Township has addressed such applications under its authority via N.J.S.A. 40:55D-68, there is no checklist in place to guide applicants in requesting Certificates of Nonconformity or to compensate the Township for processing such applications.

It is therefore recommended that the Zoning Ordinance be modified to establish a Certificate of Nonconformity process and an associated Fee and Escrow structure.

- D. **Principle:** Support the continued development of the Town Center as the focus of community life for peoples of all backgrounds, ages, incomes and ability levels, with

uses and structures that are mutually supportive, and that integrate various types of residential uses with retail, office and other commercial land uses.

Strategy: To support such development, research and implement methods to provide additional parking within and adjacent to Town Center.

- E. **Principle:** While the Trenton-Robbinsville Airport has long been viewed as an untapped economic asset for the Township, its potential is constrained by its proximity to environmentally-sensitive lands, opposition from adjacent residential communities that might be affected by traffic, noise, air quality, safety and/or other impacts of such development and, most significantly, by the Airport Safety and Air Hazard Zone that imposes restrictions on uses and intensities at various locations in and around the facility.⁶⁴

Strategy: The economic and planning analyses necessary to provide the Township with an understanding of the full development potential for the Airport and its surroundings as well as the site constraints that may limit such potential is beyond the scope of this Comprehensive Master Plan Update.

This Master Plan Update recommends that the Township consider such a study and defers any Strategy for the Airport until such analyses are completed.

- F. **Principle:** Support compact development and redevelopment instead of Sprawl.⁶⁵

1. **Strategy:** Continue to pursue all lawful and appropriate means to direct growth in a way that discourages Sprawl.

⁶⁴ §142-28

⁶⁵ Defined in the New Jersey State Development & Redevelopment Plan (p. 33) as:

A pattern of development characterized by inefficient access between land uses or to public facilities or services and a lack of functional open space. Sprawl is typically an automobile dependent, single use, resource consuming, discontinuous, low-density development pattern.

Defining Sprawl often depends on your point of view, but most definitions focus on the random outgrowth of suburbs and a dependency on the automobile. Images of highway strip development, large lot subdivisions, and sophisticated G.I.S. mapping of lost farmland are used to explain Sprawl.

Paul M. Drake, PP/AICP⁶⁶

2. **Strategy:** Where appropriate, employ Smart Growth and New Urbanism principles.



⁶⁶ <http://smartgrowth.org/smart-growth-principles/>

⁶⁷ <http://newurbanism.org/newurbanism/principles.html>

G. **Principle:** This Comprehensive Master Plan Update recognizes that, as a principle of Smart Growth, well-planned communities reduce land consumption, habitat loss, vehicle miles traveled, toxic emissions and demand for energy and other resources.

1. **Strategy:** Promote energy conservation by using energy-efficient technologies, renewable energy resources and passive forms of energy.
2. **Strategy:** Encourage the use of “Green Power” and energy efficient systems for new development and renovations.
3. **Strategy:** Encourage the use of environmentally-friendly, LEED⁶⁸ building systems and technologies for new development and renovations.
4. **Strategy:** Encourage the use of buildings and landscape materials that promote energy efficiency and that are environmentally sensitive in their manufacture and use.

H. **Principle:** Promote the use of Plug-In Electric Vehicles (“PEV”) in Robbinsville as a means to:

- Reduce air pollution, greenhouse gas emissions and stormwater runoff contaminants;
 - Contribute to 'Placemaking' efforts; and
 - Demonstrate the Township’s commitment to sustainability.
1. **Strategy:** Review the policy document *Guidance for Creating PEV Friendly Ordinances* published by Sustainable Jersey⁶⁹ as a basis to address both charging stations and parking.

⁶⁸ “Leadership in Energy & Environmental Design”
(<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>).

⁶⁹ Version 1.0 (April 2017)

2. **Strategy:** Permit residential-scale charging stations as accessory uses in all zones where single-family residential uses are permitted, and higher-capacity stations as accessory uses in all zones where multi-family and commercial / industrial uses are permitted.
 3. **Strategy:** Establish regulations to ensure the proper siting, lighting, design, signage, maintenance and safety of the PEV charging stations in various zones as appropriate.
 4. **Strategy:** Establish regulations for the appropriate number and location of PEV charging stations for non-residential uses.⁷⁰

Include prohibitions for parking or leaving standing vehicles in a PEV charging station stall or space unless the vehicle is connected for charging purposes.
 5. Ensure that the Township's Codes are updated to facilitate PEVs, PEV charging stations and related issues.
- I. **Principle:** Robbinsville recognizes that the development pressures detailed throughout this Master Plan Update often result in a juxtaposition of incompatible land uses, especially when new development seeks to locate adjacent to long-existing uses or historically undeveloped lands.
1. **Strategy:** Outside of the pro-growth zoning recommended under Strategy 5.3.1 B.6.a. herein, protect the character, quality of life, cultural heritage and natural resources of the Township where they currently exist while permitting development in areas where compatible land uses and structures are present; provided that such development will not require substantial increase in infrastructure.
 2. **Strategy:** Discourage inappropriate and incompatible land uses.

⁷⁰ Sustainable Jersey cites a minimum range of 2% to 6% of the total number of parking spaces in commercial and industrial Zoning Districts.

- J. **Principle:** Maximize the use of State Plan classifications for various sections of Robbinsville⁷¹ in order to support and advance the Policies, Principles, Strategies and Recommendations of this Comprehensive Master Plan Update.
- K. **Principle:** Employ the *Local Redevelopment & Housing Law* where applicable and appropriate in order to support and advance the Policies, Principles, Strategies and Recommendations of this Comprehensive Master Plan Update.
- L. **Principle:** This Comprehensive Master Plan Update recognizes the ongoing struggle to ensure that the scale of new development is compatible with that of the adjacent built environment. While the Township has been successful in alleviating this problem in certain areas,⁷² the regulations underpinning this success do not apply Township-wide.
1. **Strategy:** Continue to pursue all lawful and appropriate means to ensure that development is compatible with the adjacent built environment.
 2. **Strategy:** Establish within the Land Use Plan and Land Use Ordinance, as appropriate, specific design standards to achieve this Principle.
- M. **Principle:** This Comprehensive Master Plan Update recognizes that various provisions in the Land Use Ordinance may be interpreted as being vague, internally inconsistent and, in certain cases, work at cross-purposes with the intent of the Zones they are intended to support.
- Strategy:** Review the entirety of the Land Use Ordinance and revise / eliminate provisions that do not support or advance the Policies, Principles, Strategies and Recommendations of this Comprehensive Master Plan Update.

⁷¹ State Plan (pp. 288 & 301)

- Gordon Simpson Estate [Springside Development] (Identified Town Center);
- Turnpike Exit 7A (Identified Regional Center);
- New Sharon (Identified Hamlet);
- Windsor (Identified Village); and
- Washington Town Center (*Designated* Town Center)

⁷² Via the Cluster Design Option in the RR and R1.5 Zoning Districts; the Transfer of Development Rights program; and the placement of the Village of Windsor on the National Register of Historic Places.

- N. **Principle:** This Comprehensive Master Plan Update recognizes the importance of quality design which contributes to the aesthetics of the Township, and that quality architecture impacts the stability of neighborhoods. This Principle is recognized by the *Municipal Land Use Law* as one of the Purposes of that Law.

While the Planning and Zoning Boards have achieved some success in encouraging developers to design buildings with more variety and interest, their power to compel better design is somewhat limited.

1. **Strategy:** Continue to pursue all lawful and appropriate means to promote a desirable visual environment and ensure the ongoing visual integrity of both the commercial and residential sections of the Township.
 2. **Strategy:** Establish within the Land Use Plan and Land Use Ordinance, as appropriate, specific architectural design standards to achieve this Principle.
- O. **Principle:** This Comprehensive Master Plan Update recognizes the opportunities that Route 130 entryways provide to define Gateways into Robbinsville.
1. **Strategy:** Continue to pursue all lawful and appropriate means to promote a desirable visual environment and ensure the ongoing visual integrity of both the commercial and residential sections of the Township.
 2. **Strategy:** Establish within the Land Use Plan and Land Use Ordinance, as appropriate, specific architectural design standards to achieve this Principle.

Issues related to Land Use in Robbinsville are more fully addressed in the Land Use Plan Element (§6.0) of this Comprehensive Master Plan Update.

5.3.2 HOUSING POLICY

- A. **Principle:** This Comprehensive Master Plan Update recognizes the need to stabilize and protect its residential neighborhoods and to undertake efforts to ensure decent, safe and sanitary housing for all residents.



1. **Strategy:** Maintain the adopted Land Use Plan and Land Use Ordinance, as revised as a result of this Master Plan Update, as a rational plan to regulate development patterns and reinforce the integrity of the Township's residential neighborhoods and commercial districts.
 2. **Strategy:** Establish within the Land Use Plan and Land Use Ordinance, as appropriate, specific standards to ensure the continued integrity of the residential and historic sections of the Township.
 3. **Strategy:** Include, as part of the Township's planning, housing and other appropriate policies, the concept of Aging-in-Place.⁷³
 4. **Strategy:** Strengthen the Township's code enforcement efforts.
- B. **Principle:** This Comprehensive Master Plan Update recognizes the need for affordable housing in the Township and the Township's obligation to provide such housing under the Fair Housing Act.⁷⁴

The Township first adopted a Housing Plan Element to its Master Plan in October 1986, which included a Fair Share (affordable housing) Plan.

The 2000 Master Plan included an updated Housing Element & Fair Share Plan, which was updated via reexamination in December 2008, July 2017, and most recently in March 2018.⁷⁵ The 2018 document was approved by the Court in November 2018.⁷⁶

⁷³ Defined by the United States' Centers for Disease Control & Prevention as "the ability to live in one's own home and community safely, independently, and comfortably, regardless of age, income, or ability level".

⁷⁴ N.J.S.A. 52:27D-301 et seq.

⁷⁵ Via Resolution No. PB 2018-12 (on file with the Board Secretary).

⁷⁶ Pursuant to the New Jersey Supreme Court's decision in "*In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97*" (221 N.J. 1 [2015] ~ a.k.a. "Mount Laurel IV" ~ decided in 2015) removing jurisdiction of affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") and placing it with the state's Superior Court, the Township sought a Declaration of Compliance from the Court (*In the Matter of the Township of Robbinsville, County of Mercer* (Docket No. MER-L-1457-15)) certifying that the municipality was compliant with its constitutional obligation to provide for a reasonable opportunity for low- and moderate-income housing under the "Mount Laurel Doctrine" and the Fair Housing Act.

Issues related to Housing in Robbinsville are more fully addressed in the 2018 Housing Element & Fair Share Plan, which is on file with the Township Clerk and is incorporated herein by reference.

5.3.3 CIRCULATION POLICY

The 2000 Master Plan included a detailed Circulation Plan Element.

While circulation was addressed in the 2007 Reexamination, the emphasis was on pedestrians and bicycle paths, with limited discussion regarding vehicular circulation. The discussion of vehicular circulation that did occur was focused on Town Center.

The 2008 / 2009 Reexamination was limited to a reevaluation and clarification of recommendations contained in the 2007 Reexamination related to the Wittenborn Gateway and the Gateway South sections of the Township and did not address overall circulation.

This Master Plan Update replaces prior Circulation-related goals and objectives (under whatever nomenclature) in favor of the following Principles and Strategies.

A. **Principle:** This Comprehensive Master Plan Update recognizes that while Robbinsville is not a built-out community, its roadway network is established and is unlikely to see significant changes. As such, future development should be expected to utilize the existing circulation system of:^{77,78}

⁷⁷ NJDOT employs a dual Roadway Classification System:

- Functional Classifications for public roads are based on the service they are intended to provide. These are depicted by the **bold headings**.^{78A}
- Classifications under *The Smart Transportation Guidebook* focus more narrowly on the characteristics of the individual roadway segments. These are depicted above in *(italics parentheses)*.text ^{78B}

^{78A} <http://www.state.nj.us/transportation/refdata/roadway/glossary.shtm>

^{78B} published by the New Jersey Department of Transportation and the Pennsylvania Department of Transportation. (March 2008). Table 5.1.

⁷⁸ Information provided by the Township's Traffic Engineer (McMahon Associates, Inc.)



- **Interstates:**
 - New Jersey Turnpike / Interstate Route I-95⁷⁹;
 - Interstate Route I-195⁸⁰
- **Principal Arterials:**
 - US Route 130⁷⁹ (*Regional Arterial*);
 - State Route 33⁷⁹ (*Community Arterial*);
- **Minor Arterials:**
 - Hankins Road⁸¹ (*Neighborhood Collector*);
 - Robbinsville-Allentown / Edinburg Road [CR 526]⁸² (*Community Collector*);
- **Major Collectors:**
 - Old York Road [CR 539]⁸² (*Community Collector*);
 - Church Street [CR 641]⁸² (*Neighborhood Collector*);
 - Gordon Road⁸¹ (*Neighborhood Collector*);
 - Hutchinson Road⁸¹ (*Neighborhood Collector*);
 - Sharon Road: Route 130 to Spring Garden Road⁸¹ (*Neighborhood Collector*);
 - Washington Boulevard⁸¹ (*Neighborhood Collector*);
 - Circle Drive⁸¹ (*Local Road*);
 - Combs / Line Road⁸¹ (*Local Road*);
 - Edgebrook Road⁸¹ (*Local Road*);
 - West Manor Way⁸¹ (*Local Road*);
- **Minor Collectors:**
 - Sharon Road: Spring Garden Road to Old York Road⁸¹ (*Neighborhood Collector*);
 - Perrineville Road⁸¹ (*Local Road*);
 - Spring Garden Road⁸¹ (*Local Road*);

⁷⁹ NJDOT Jurisdiction

⁸⁰ NJTA Jurisdiction

⁸¹ Township Jurisdiction

⁸² County Jurisdiction

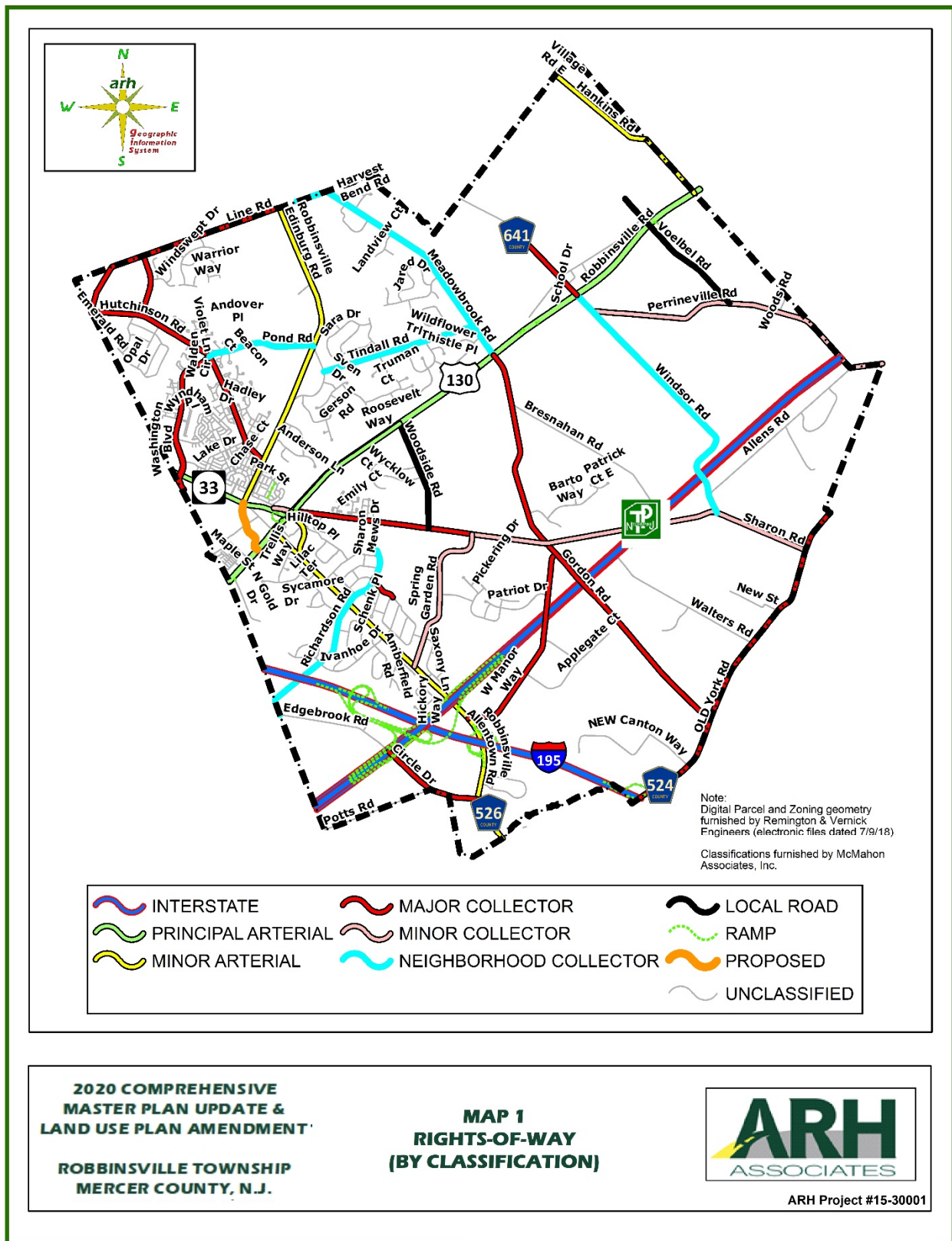
The Township's Traffic Engineer⁷⁸ notes that NJDOT has not assigned Functional Classifications to the following rights-of-way. Based on their characteristics (i.e. daily traffic volume, access, mobility, and speed) and guidelines found in the *Smart Transportation Guidebook* (March 2008) developed by both PennDOT and NJDOT, the Engineer indicates they could properly be classified as:

- ***Neighborhood Collectors***

- Windsor Road⁸¹
- Meadowbrook Road⁸¹
- Pond Road⁸¹
- Richardson Road⁸¹
- Tindall Road⁸¹

- ***Local Roads***

- Voelbel Road⁸¹
- Woodside Road⁸¹



B. Principle: In 2017, the Township Commissioned a Traffic Feasibility Study related to a proposed Redevelopment Project in the Town Center South Redevelopment Area.⁸³ While nominally addressing Town Center South, this Study analyzed “*existing and future conditions, as well as recommend infrastructure improvements, **in the vicinity of** “Town Center South.”* As such, conditions were analyzed for signalized and unsignalized intersections⁸⁴ as well as roadways adjacent to the Redevelopment Area⁸⁵ to obtain an inventory of existing roadway conditions, posted traffic controls, adjacent land uses, lane configurations and existing vehicular / pedestrian traffic patterns.

After reviewing Existing Traffic Volumes, Trip Generation, Trip Distribution and other relevant statistics, what were termed Potential Improvement Alternatives were developed.

Strategy: This Principle adopts by reference the findings and recommendations of this 2017 Traffic Feasibility Study.

C. Principle: New roadway construction is expected to be limited to Local Streets and Local Roads⁸⁶ servicing new development.

Strategy: This Principle adopts by reference Strategies §5.3.1 B.5., §5.3.1 B.6.d. and §5.3.1 E. under Land Use Policy.

⁸³ Traffic Feasibility Study, Town Center South, Robbinsville Township, Mercer County, New Jersey prepared by Master Consulting PA (dated December 19, 2017). On file with the Township.

⁸⁴

- Route 33 & Washington Boulevard / Golden Crest Driveway;
- Route 33 & Lake Drive;
- Route 33 & North Commerce Square;
- Route 33 & Robbinsville-Allentown Road / Robbinsville-Edinburg Road [CR 526];
- U.S. Route 130 & Robbinsville-Allentown Road; and
- U.S. Route 130 & Route 33 / Robbinsville By-Pass [CR 526].

⁸⁵

- Route 33;
- US Route 130;
- Robbinsville-Edinburg Road (CR 526);
- Robbinsville-Allentown Road;
- Washington Boulevard;
- Lake Drive;
- North Commerce Square.

⁸⁶ i.e., streets within a development, rural lanes, byways and alleys.

- D. **Principle:** Utilize the Township's network of roadways, trails and other conveyances to interconnect residential neighborhoods with each other, as well as with schools and other public facilities, recreation areas, commercial centers, employment centers and other places of interest in order to promote walking, jogging, bicycling, rollerblading and other activities that will facilitate movement between these areas, reduce vehicle miles traveled and promote the health of the Township's residents.

While the location of major transportation routes, existing development patterns, resident preferences, private property restrictions and environmental constraints limit the Township's ability to interconnect ***the entirety of the municipality***, such interconnection is encouraged to the maximum extent practicable.

1. **Strategy:** Within the context of the Land Use Plan and Land Use Ordinance, as appropriate, establish a Non-Vehicular Circulation Plan as a means of organizing the Township into "Districts" within which interconnections are to be encouraged, but between which, for reasons of public safety, practicality or other reasons, interconnections are not encouraged.⁸⁷
2. **Strategy:** Require when under Township jurisdiction and encourage when under non-Township jurisdiction, paved sidewalks within all residential development and along *Community Arterials, Neighborhood Collectors, Community Collector and Local Roads*. Employ unpaved pathways where paved sidewalks are not appropriate.
3. **Strategy:** Utilize these "Districts" as the basis for a Township-wide system of attractive pathfinder signage designed to guide visitors to various points of interest and/or commonly visited areas.⁸⁷
4. **Strategy:** Utilize, as appropriate, major transportation routes, open spaces, agricultural lands and environmental features as edges (buffers) between "Districts." Discourage site design that isolates communities by buffers, berms, reverse frontages or other elements.

⁸⁷ Such "Districts" could be utilized for branding and marketing purposes in much the same way as the Town Center.

E. **Principle:** Encourage the use of public transportation.

Strategy: Work with New Jersey Transit to explore options to expanding Public Transit services to currently underserved sections of the Township.

F. **Principle:** Continue to ensure that new development is designed to accommodate the access and internal site circulation needs of the Township's First (Emergency) Responders.

Strategy: Encourage the creation of emergency access streets and cut throughs for exclusive use by emergency vehicles when public rights-of-way and other circulation ways are not adequate.

G. **Principle:** Again, the Township's roadway network is established and is unlikely to see significant changes in the foreseeable future. The area of specific concern identified by the 2007 Reexamination ~ the Town Center ~ was the subject of an in-depth analysis in 2017.⁸⁸

This Master Plan Update finds that issues related to Circulation in Robbinsville are adequately addressed by:

- The Principles and Strategies of this §5.3.3;
- The Principles and Strategies identified under Land Use Policy (§5.3.1 herein);
- The recommendations of the Land Use Plan Amendment (§6.4 herein); and
- The recommendations contained in the 2017 Traffic Feasibility Study for the Town Center South Redevelopment Area prepared by Maser Consulting PA.

5.3.4 INFRASTRUCTURE POLICY

A. **Principle:** Ensure that the Township's infrastructure is scaled and of a condition to support the Policies, Principles, Strategies and Recommendations of this Comprehensive Master Plan Update.

⁸⁸ §5.3.3 B. herein.

1. **Strategy:** Explore the creation of a Township-wide 6-year Capital Improvement Plan pursuant to N.J.S.A. 40:55D-29 and 30. Once created, update annually.
 2. **Strategy:** Institute regulations providing for developers to undertake such infrastructure improvements as may be deemed necessary by the appropriate Township Agencies⁸⁹ to facilitate their project(s), including, but not limited to, requiring developers to replace the affected downstream sanitary sewer(s) as part of their development costs or contribute “their fair share” to the future replacement as more and more of the existing carrying capacity is consumed by the future development.
 3. **Strategy:** Where appropriate, require developers to reconstruct sidewalks, curbs, gutters, stormwater management and other infrastructure abutting their projects and to resurface all adjacent roadways to the centerline of the street as part of their projects.
 4. **Strategy:** Evaluate the Township’s Stormwater Management system(s), upgrade the systems in areas of recurring flooding and maintain, repair and replace facilities as necessary.
- B. **Principle:** Within the context of the Principles and Strategies detailed throughout this Master Plan Update, ensure that the provision and maintenance of infrastructure advances the Township’s policies of Resiliency and Sustainability, as well as those designed to ensure that housing and services are provided for the entire population. Accordingly, it is recommended that:
1. **Strategy:** The Township’s Department of Public Works continue to regularly monitor and maintain Robbinsville’s environmental infrastructure to ensure that it functions properly and in accordance with applicable NJDEP, County and Federal standards.
 2. **Strategy:** The Township continue to require utilities servicing new development to be placed underground.

⁸⁹ Principally, the Robbinsville Sewer Utility

3. **Strategy:** The Township continues to encourage public and private utility providers servicing Robbinsville⁹⁰ to identify inadequate infrastructure and upgrade such infrastructure to maximize storm resiliency and sustainability⁹¹ (upgrades for new development will continue to be the responsibility of the individual developers).
4. **Strategy:** The Township continues to encourage the installation of Solar (or other Alternative Renewable) energy equipment and facilities in new development and the retrofitting of existing development for such uses.

Issues related to Infrastructure in Robbinsville are adequately addressed by existing documentation and regulations.

5.3.5 COMMUNITY FACILITIES POLICY

- A. **Principle:** This Comprehensive Master Plan Update recognizes that adequate community facilities are critical components to maintaining the quality of life for Township residents. While the municipality can take pride in its superior amenities, certain upgrades and additions to its facilities should be reviewed with the community.

Strategy: Work with all appropriate governmental agencies, private and semi- / quasi-private organizations and the general public to identify facility needs for the community and acquire lands for such facilities as appropriate.

- B. **Principle:** This Comprehensive Master Plan Update recognizes that the Township's current educational facilities are finding it challenging to support the Township's current and projected school-age population.

1. **Strategy:** Work with the Robbinsville Board of Education to project likely school enrollment over the next 10 years and how such enrollment may impact the carrying capacity of the Township's existing schools.

⁹⁰ Water, electric, gas, communications, etc.

⁹¹ This Master Plan Update recognizes the efforts of Jersey Central Power & Light (JCP&L), which is in the process of upgrading the Voelbel Road / Bear Brook / Route 130 electric substation. Improvements consist of physically raising the substation to alleviate power outages due to flooding, and installing new technology to increase resiliency and sustainability.

2. **Strategy:** Utilize the product of Strategy B.1. as a basis for which to evaluate the impact that new development may have on school enrollment.
 3. **Strategy:** Work with the Robbinsville Board of Education to ensure that development does not overwhelm the capacity of the Township's educational facilities to provide an appropriate environment for learning.
- C. Specific recommendations related to Community Facilities in Robbinsville are deferred until the Strategies detailed above have been completed and the findings analyzed.

5.3.6 RECREATION POLICY

- A. **Principle:** This Comprehensive Master Plan Update recognizes that active and passive recreation is a vital component of Township life.
1. **Strategy:** Continue to support the Township's commitment to provide recreational and cultural facilities and programs designed to accommodate the needs of residents of all ages and abilities.⁹² Within this context:
 - a. Encourage the provision of active and passive public open space in residential development in excess of (a to-be-determined number of) dwelling units.
 - b. Promote the creation of new community recreation areas of appropriate size, location and makeup to meet the needs of the residents of the Township.
 2. **Strategy:** Continue to work with Mercer County to coordinate municipal public open space with the County's plans for (regional) conservation and recreation. Within this context, promote the development of linear regional trails along the Assunpink Creek, Miry Run and Bear Brook Creek by requesting conservation easements during the development review process and by supporting public acquisition efforts of adjacent parcels.⁹²

⁹² This Strategy may be accomplished via Strategy §5.3.3 C.1 under Circulation Policy.

- B. **Principle:** This Comprehensive Master Plan Update recognizes that the Township has undergone a rapid transformation since the (approximately) mid-1990s, and that its planning and development-related policies have not always been able to keep pace.
1. **Strategy:** In addition to Strategies 1. and 2. under Principle A. above, update the Township's Open Space and Recreation Inventory⁹³ to reflect current conditions.
 2. **Strategy:** The Township's Recreation Department is asked to evaluate the Recreation needs of the community within the context of these Principles and Strategies.

5.3.7 CONSERVATION POLICY

- A. **Principle:** This Comprehensive Master Plan Update recognizes the need to balance its desire to promote economic development with its need to conserve its environmental resources.
1. **Strategy:** Maintain the adopted Land Use Plan and Land Use Ordinance, as revised as a result of this Master Plan Update, to support economic development, regulate development patterns and reinforce the integrity of the Township's residential neighborhoods and commercial districts while respecting the physical environment and making appropriate use of the Township's environmental resources.
 2. **Strategy:** Continue efforts ~ both at the municipal level as well as in conjunction with Mercer County ~ to promote the preservation of natural open spaces, stream corridors, wetlands, view sheds, forests and the quality of the water and air. Coordinate efforts with the Strategies detailed under Recreation Policy (§5.3.6 herein) in order to complement similar activities and avoid duplication of actions.
 3. **Strategy:** Continue the policy of acquiring easements to or ownership of privately-owned but environmentally sensitive lands to ensure that these lands remain undeveloped open space where appropriate.

⁹³ "ROSI"

4. **Strategy:** Continue to support the Robbinsville Environmental Commission, which provides expertise and information related to complex environmental issues to other municipal agencies. Specific Commission activities include, but are not limited to:
- Advising the Township’s Planning and Zoning Board regarding the potential environmental impact of development proposals;
 - Advocating for preservation and conservation of open space;
 - Researching the environmental impacts of proposed ordinances;
 - Investigating environmental problems and offering solutions;
 - Educating and informing residents regarding ways to protect the environment;
 - Interacting with neighboring commissions, watershed agencies and other organizations to address regional and statewide problems; and
 - Monitoring and explaining to local citizens and officials the various state and federal environmental regulations and initiatives.
- B. **Principle:** Support economic activity and programmatic elements designed to make appropriate use of the Township’s environmental resources.
- C. **Principle:** Environmental Sustainability

Climate change is a relatively recent phenomenon that has been linked to increases in the frequency and severity of storms (leading to flooding and property loss) and impacts on eco-systems and water supplies (due to saltwater intrusion). Prior to (approximately) 2006, little attention was paid to this issue ~ although the Township’s 2000 Master Plan did address “Infrastructure and Sustainability” as related topics.

In 2007, Governor Jon Corzine signed the Global Warming Response Act,⁹⁴ which adopted goals for the reduction of greenhouse gases emissions in the State.

⁹⁴ N.J.S.A. 26:2C-37

With the occurrence of Superstorm Sandy in 2012, “*Sustainability*” ~ and its related topic “*Resiliency*” ~ have become public policy priorities at all levels of government. Changes in Federal, State and local regulations since Sandy are addressed in §6.3.2 and §6.3.3 herein.

In October 2019, Governor Phil Murphy signed Executive Order 89,⁹⁵ which created a Climate and Flood Resilience Program within NJDEP. Such Program is designed to develop, within 180 days of signing, a scientific report that addresses the anticipated environmental effects of climate change on New Jersey through at least 2050. The report is to address the impact of increased temperatures, sea level rise, increased rainfall, storms and flooding, forest fires and droughts.

Executive Order 89 further creates an Interagency Council on Climate Resilience, which will include 16 agency representatives who will assist in developing a Statewide Climate Change Resilience Strategy by September 2020. Such strategy will include a Coastal Resilience Plan that recommends a “*long-term strategy for climate change resilience and adaptation in the coastal areas of the State.*” The Executive Order is to set forth various elements of such Plan, including summaries of investments made, recommendations for further investments and recommendations for financing for future adaptation.

At the local level, the order directs the State Planning Commission to adopt regulations “*as necessary to incorporate climate change considerations as a **mandatory** requirement for State endorsement of local government development and Redevelopment Plans*”.

This Master Plan Update introduces Principles and Strategies related to Sustainability in §5.2.4 E. herein and addresses the topics more particularly (where applicable) in the appropriate subsections of §5.3 and §6.3 herein. While the Township awaits the outcome(s) of Executive Order 89, the following Strategies are adopted:

⁹⁵ <https://nj.gov/infobank/eo/056murphy/pdf/EO-89.pdf>.

1. **Strategy:** Resiliency and sustainability strategies recommended under Infrastructure Policy⁹⁶ are incorporated herein by reference.
2. **Strategy:** The Township's Environmental Commission is asked to evaluate the Conservation needs of the community within the context of these Principles and Strategies.

5.3.8 Farmland Preservation Policy

This Comprehensive Master Plan Update recognizes that much of Robbinsville's heritage as a rural, farming community remains in the form of large and small tracts of agricultural lands located throughout the Township, but that the development pressures detailed throughout this Master Plan Update threaten to reduce the number and size of the farms from the municipality's inventory.

This Master Plan Update also recognizes the complex interplay between:

- The desires of certain Township residents to retain the heritage of Robbinsville;
- The desires of certain farmers to maintain their lands as active farms;
- The desires of certain owners of agricultural lands to sell their properties;
- The desires of the development community to purchase farmland for development; and
- The needs of the Township for ratables.

and seeks to balance these often-competing interests as follows:

- A. **Principle:** This Comprehensive Master Plan Update recognizes that the continuing challenge facing Robbinsville is to protect its agricultural lands in the face of development pressure. As land becomes scarce and thus more expensive, development costs rise. Budget conscious developers thus look toward (typically less expensive) undeveloped lands ~ including farmlands ~ as opposed to (typically more expensive) previously developed lands that must be cleared.

⁹⁶ §5.3.4 B. herein.

1. **Strategy:** Provide a land use environment where those who wish to farm may do so and preserve these agricultural lands and activities. Within this context, review Article XII (Right to Farm) of Chapter 142 (Land Use) of the Township Code against:
 - The current version of the New Jersey Right to Farm Act⁹⁷ to determine continued applicability with such Law; and
 - The Township's priorities as established by this Master Plan Updateto determine if any changes to this section are necessary. Revise Article XII as appropriate.

One recommendation is that "Farms" be defined under the Site-Specific Agricultural Management Practice ("SSAMP") pursuant to N.J.S.A. 4:1C-1 et seq. and N.J.A.C. 2:76-2, as administered by the Mercer County Agriculture Development Board.

2. **Strategy:** Establish a Township initiative to acquire lands where the owners of agricultural properties wish to sell; thereby accommodating their needs while protecting against overdevelopment and Sprawl. To fund such acquisitions, leverage monies from the Township's Open Space Tax with grants and/or low interest loans from appropriate Federal, State, County and non-profit sources.
3. **Strategy:** Contact the owners of properties potentially impacted by Strategies A.1. and A.2. to determine interest in either scenario. Update the Township's Land Preservation map to show existing preserved farmland and lands where potential acquisition and preservation is likely.
4. **Strategy:** In addition to the review recommended in Strategy A.1., undertake a comprehensive review of the Land Use Ordinance⁹⁸ to determine if any amendments are necessary and appropriate.

⁹⁷ N.J.S.A. 4:1C-1 et seq.

⁹⁸ Including, but not limited to, cluster, coverage, open space and preservation provisions.

5. **Strategy:** Coordinate preservation efforts with adjacent municipalities and request that they do the same with Robbinsville.

- B. **Principle:** Encourage the reuse of farmland for recreational purposes.

Issues related to Farmland Preservation in Robbinsville directly relate to the Township's conservation efforts. As detailed in §5.3.7 C. herein, specific recommendations related to Conservation are deferred to the Township's Environmental Commission in its advisory role for the Township.

5.3.9 HISTORIC PRESERVATION POLICY

- A. Much of Robbinsville's heritage as a rural, farming community remains in the form of historic architecture located throughout the Township. However, the development pressures detailed throughout this Master Plan Update threaten to remove these structures from the landscape.

While this Master Plan Update recognizes the complex interplay between:

- The desires of certain Township residents to retain the heritage of Robbinsville;
- The desires of certain property-owners to maintain their historic structures;
- The desires of certain property-owners to sell their properties;
- The desires of the development community to purchase lands for development; and
- The needs of the Township for ratables.

The economics of preserving historic structures can make such preservation impracticable for other-than higher income individuals. This Master Plan Update seeks to balance these often-competing interests as follows:

1. **Principle:** This Comprehensive Master Plan Update recognizes that the continuing challenge facing Robbinsville is to protect its historic architecture in the face of development pressure. As buildings age and land becomes scarce and thus more expensive, development costs rise. Budget conscious developers thus

look toward (typically less expensive) clearance as opposed to (typically more expensive) renovation and adaptive reuse.

- a. **Strategy:** Provide a land use environment where those who wish to retain their historic homes and other structures may do so. Establish policies designed to protect the Township's historic architecture.
 - b. **Strategy:** Strengthen the Township's code enforcement efforts to protect and preserve existing historic architecture (as well as all buildings in the Township).
 - c. **Strategy:** Undertake a study of the Township historic properties. Contact the owners of these properties to determine their interest in placing their structures on the National Register of Historic Places or the New Jersey Register of Historic Places. Include structures either on or potentially to be included on these registries on the Township's updated Land Preservation map to provide a context for future land use decisions.
 - d. **Strategy:** In addition to the review recommended in Strategy 1.C., undertake a comprehensive review the Land Use Ordinance to determine if any amendments are necessary and appropriate.
 - e. **Strategy:** Coordinate preservation efforts with adjacent municipalities and request that they do the same with Robbinsville.
2. **Principle:** Encourage the adaptive reuse of historic structures to retain the Township's heritage while providing for contemporary needs.
- a. **Strategy:** Encourage developers to employ designs which are reflective of the Township's traditional architecture in the renovation of existing structures (where practicable) and in new construction. Use of such elements should be based on the requirements of a particular project or the location of a particular project within the Township.

- b. **Strategy:** Discourage unremarkable and undifferentiated (“box-like” / cookie-cutter) design which has become prevalent in the Township.
 - c. **Strategy:** Continue to employ ~ and institute where currently not employed ~ unique design elements for street signage, street furniture and other public amenities.
- B. Land Use Ordinance §142-30.1 created a (H-O) Historic Overlay Zone for specifically-enumerated Blocks and Lots,⁹⁹ established a Historic Preservation Subcommittee (HPSC) as a subcommittee of the Planning Board, and charged the HPSC with certain tasks that apply to the H-O Zone and certain tasks Township-wide.

While the Ordinance contains guidelines for Subcommittee activities within the H-O Zone, similar guidance for activities outside of such Zone were not established.

The HPSC will operate in accordance with the Master Plan and the HPSC Charter, which will detail the roles and responsibilities of the HPSC and shall be reviewed annually by the HPSC and office of the mayor.

: Support the Robbinsville Historic Preservation Subcommittee in its goal to protect and preserve existing historic architecture where possible, practicable and where not inconsistent with other Principles and Strategies of this Master Plan Update.

Strategy: Review and, where necessary, update the role of the Historic Preservation Subcommittee to better support the Township and it’s Planning Board and Zoning Board of Adjustment in their various activities.

5.3.10 RECYCLING POLICY

Robbinsville has been collecting recyclables as a "Single Stream" since September 2008. This method permits homeowners to place all recyclables, including glass, plastics, metal, paper and cardboard, into the same receptacle for pickup. Materials are collected and

⁹⁹ More particularly described in §6.5.17 herein.

taken to a facility for separation and processing. By using this Single Stream method, the Township realizes savings on collection costs by reducing the vehicles and labor required.

A. **Principle:** Promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning and operational practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

1. **Strategy:** Continue the current method of collection and processing of recyclable materials and promoting education.
2. **Strategy:** Monitor changes in State and County regulations related to collection and processing of recyclable materials and explore new technologies to achieve this Principle and these Strategies in the most efficient and effective manner practicable.

While the *Municipal Land Use Law* provides for a Recycling Plan Element as an optional Element to a municipal Master Plan, the requirements for such an Element are to incorporate the goals of the State Recycling Plan, including:

- Provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance, and
- Provisions for the collection, disposition and recycling of recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing, and any commercial or industrial development proposal for the utilization of 1,000 s.f. or more of land.

Recycling is governed by the State and operationalized by the Township's Department of Public Works. Any change in Recycling Policy or operations is therefore outside of the scope of this Master Plan Update.

6.0 LAND USE PLAN ELEMENT

6.1 MUNICIPAL LAND USE LAW

The *Municipal Land Use Law*¹⁰⁰ requires that municipal Master Plan include a Land Use Plan Element:

- A. Addressing its relationship to the Statement of Objectives, Principles, Assumptions, Policies and Standards, other master plan elements, and natural conditions (topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands);
- B. Showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, open space, educational and other public and private purposes or combination of purposes; including any provisions for cluster development and stating the relationship to the existing and any proposed Zone Plan and Zoning Ordinance;
- C. Showing the existing and proposed location of any airports and the boundaries of any Airport Safety Zones pursuant to the Air Safety and Zoning Act of 1983;¹⁰¹ and
- D. Including a statement of the standards of population density and development intensity recommended for the municipality;
- E. Showing the existing and proposed location of military facilities and incorporating strategies to minimize undue encroachment upon, and conflicts with, military facilities, including but not limited to: limiting heights of buildings and structures nearby flight paths or sight lines of aircraft; buffering residential areas from noise associated with a military facility; and allowing for the potential expansion of military facilities; and

¹⁰⁰ N.J.S.A. 40:55D-28(b)(2)

¹⁰¹ N.J.A.C. 6:1-80 et seq.

F. Including... a statement of strategy concerning:

- Smart Growth, including consideration of locations for electric vehicle charging stations;
- Storm Resiliency related to energy supply, flood-prone areas and environmental infrastructure; and
- Environmental Sustainability.

6.2 2000 MASTER PLAN & REEXAMINATIONS

6.2.1 2000 MASTER PLAN

A. While not included in the Land Use Plan Element of the 2000 Master Plan, the Conservation Plan Element of that document provided an in-depth analysis of the Township's Natural Conditions, addressing:

- | | |
|--------------------------------|-----------------------|
| • Physiography; | • Depth to Bedrock; |
| • Geology; | • Flood Hazard Areas; |
| • Topography & Surface Waters; | • Stream Corridors; |
| • Aquifer Recharge Potential; | • Wetlands; |
| • Soil; | • Vegetation; and |
| • Slope; | • Wildlife. |

B. The 2000 Land Use Plan Element addressed issues related to Land Use Conditions (Land Uses & Patterns and Zoning Districts).

C. While the 2000 Master Plan touched on Smart Growth, Environmental (and other types of) Sustainability were addressed at-length. Issues related to Agriculture were addressed throughout the document.

D. Robbinsville has no military facilities. Electric vehicle charging stations and storm resiliency were not topics of interest at the time of the 2000 Master Planning effort.



6.2.2 2007 REEXAMINATION

The 2007 Reexamination addressed issues raised in 2000 within the requirements for Master Plan Reexaminations pursuant to N.J.S.A. 40:55D-89.

6.2.3 2008 / 2009 REEXAMINATION

The 2008 / 2009 Reexamination was limited to a reevaluation and clarification of recommendations contained in the 2007 Reexamination related to the Wittenborn Gateway and the Gateway South sections of the Township and did not address the overall requirements of a Land Use Plan Element.

6.3 ENVIRONMENTAL RESOURCES

6.3.1 ENVIRONMENTAL RESOURCE INVENTORY¹⁰²

In addition to the extensive treatment of the Township's natural conditions contained in the 2000 Master Plan, the Robbinsville Environmental Commission, with the assistance of the Delaware Valley Regional Planning Commission, authored an Environmental Resource Inventory in or about 2012.¹⁰³

B. After a brief history of the Township, the ERI presented an in-depth analysis of Robbinsville's:

- *Location, Size, and Land Use*
- *Physical Resources*
 - *Physical Geography & Geology*
 - *Soils*
- *Surface Water Resources*
 - *Watersheds*
 - *Streams*
 - *Lakes & Ponds*
 - *Wetlands*
- *Groundwater*
 - *Aquifers & Geological*
- *Hydrology*
- *Topography & Surface Landscapes*
- *Agricultural Wetlands*
- *Vernal Pools*
- *Floodplains*
- *Surface Water Quality*
- *Drinking Water Supply Formations*

¹⁰² "ERI"

¹⁰³ On file with the Township Clerk.

- *Biological Resources*
 - *Natural Vegetation*
 - *Natural Heritage Database & Natural Heritage Priority Sites*
 - *Landscape Project Priority Habitats*
 - *Animal Communities*
- *Built Environment*
 - *Population*
 - *Transportation*
 - *Historic Resources*
 - *State Planning Areas & Designated Centers*
 - *Parks, Open Space & Recreation*
 - *Township Facilities, Utilities & Services*
 - *Impact of Nonnative & Invasive Species on Natural Areas*
- *Environmental Issues*
 - *Known Contaminated Sites*
 - *Underground Storage Tanks*
 - *Groundwater Contamination*
 - *Radon*
 - *Flooding*
 - *Other Environmental Concerns*

As stated in the ERI's Executive Summary:

A community's natural resources ~ its soil, water, air, forests, fields, and waterways ~ as well as its human and cultural history, are fundamental to its character. They are the foundation for its economic success and its quality of life. The protection and wise use of those resources is essential to the public health, safety, and welfare of current and future residents. The Environmental Resource Inventory provides the basis for the development of methods and steps to preserve, conserve, and utilize those resources by providing an objective documentation and categorization of the natural and historic resources of the town. The ERI does this by compiling maps and descriptions of ecological and natural resources (e.g., water resources, forests, soils, natural vegetation, wildlife, threatened and endangered species habitat, etc.) and anthropogenic resources (e.g., agricultural lands, parks, and historic and cultural resources). Full utilization of the ERI is achieved by incorporating it into the Township's Master Plan, thereby providing an important reference document for both town planners and the general public.

The contents of the Environmental Resource Inventory are similar to ~ and in certain instances are more in-depth than ~ the various Master Plan Element requirements under the *Municipal Land Use Law*. As recommended in the ERI, ***this Comprehensive Master Plan Update incorporates by reference the analyses and findings of the ERI ~ to the extent not inconsistent with the policies articulated herein.***

- C. As a 2012 document, the ERI utilized data and source information available at the time. Certain of the resultant figures and tables reflect conditions that remain static over time,¹⁰⁴ while others depict conditions that change with varying degrees of regularly.¹⁰⁵

While a wholesale update to the ERI's maps, figures and graphics is beyond the scope of this Master Plan Update, this document does include updates where relevant to the Master Planning process. It is recommended that updates not included herein be undertaken as necessary and appropriate.

6.3.2 FLOODPLAINS^{106 & 107}

While Floodplains were addressed as part of the ERI, that information was published before the changes in philosophy and regulations established in the aftermath of 2012's Superstorm Sandy. Based on these changes, the following is presented.

- A. The Federal Emergency Management Agency ("FEMA") defines Floodplain as:

Any land area susceptible to being inundated by floodwaters from any source.

A more expansive explanation of floodplains by the National Geographic Society defines a floodplain as:

A generally flat area of land next to a river or stream. It stretches from the banks of the river to the outer edges of the valley.

and goes on to describe a floodplain as:

[consisting] of two parts. The first is the main channel of the river itself, called the floodway. Floodways can sometimes be seasonal, meaning the channel is dry for part of the year... Beyond the floodway is the flood fringe. The flood fringe extends from the outer banks of the floodway to the bluff lines of a river valley. Bluff lines, also called valley walls, mark the area where the valley floor begins to rise into bluffs...

¹⁰⁴ i.e., Surface and Subsurface Geology, Soil Types, Watersheds, Flora & Fauna

¹⁰⁵ i.e., Land Use / Land Cover, Air Quality, number and types of Permits issued, Population

¹⁰⁶ <https://www.fema.gov/national-flood-insurance-program/definitions#F>

¹⁰⁷ <https://www.nationalgeographic.org/encyclopedia/flood-plain/>

Some rivers have very narrow flood plains. In fact, some rivers, or parts of rivers, seem to have no flood plain at all. These rivers usually have a steep stream gradient—a very deep, fast-moving channel...

Flood plains are natural flooding outlets for rivers. People, agriculture and businesses on flood plains are always at some risk. Managing development of flood plains is a critical responsibility for regional and urban planners. The benefits of flood plains, including prime agricultural land and desirable housing locations, must be balanced with the personal and economic threats posed by floods.

[Communities] built on flood plains... must incorporate flood-control infrastructure into their organization and architecture.

Evacuation procedures, emergency shelters, and building codes must be in place. Levees or other barriers must be a part of the city [Township] design. Urban planners try to keep areas near the floodway, called a Special Flood Hazard Area, as free from development as possible.

Houses and businesses that are built on flood plains often require more insurance coverage than buildings constructed on higher ground, because flood damage is more likely to occur.

- B. Beginning in or around 1974, the U.S. Department of Housing & Urban Development, Federal Insurance Administration, published Flood Hazard Boundary Maps (“FHBM”)s designating Flood Zones and flood risks for municipalities nationwide. The purpose of the FHBMs was, in pertinent part, to delineate areas of Special Flood Hazard (“SFH”) within a flood plain and establish Base Flood Elevations (“BFE”)¹⁰⁸ for at-risk portions of a community (the relationship between the BFE and a structure's First Floor Elevation determines the flood insurance premium for that structure).¹⁰⁹

The FHBMs classified lands into different Floodplain Areas (a.k.a. Flood Zones) based on the elevation of the “base flood” in relation to the elevation of the ground and the proximity of the land in question to the floodway.

¹⁰⁸ Defined as the computed elevation to which floodwater is anticipated to rise during the base flood. As the regulatory requirement for the elevation or flood-proofing of structures, BFEs are used to determine the required elevation of new buildings (and substantial renovations) in the floodplain.

¹⁰⁹ www.fema.gov/media-library-data/20130726-1755-25045-0634/ngvd_navd.pdf



- Planners frequently use FHBMs to establish land use policies and development regulations. In order to qualify for a mortgage, for example, buildings near waterbodies (i.e., in Flood zone 'A' or Flood zone 'V') are required to have flood insurance due to their risk for flood damage. Additionally, the floors and service facilities (utilities) of buildings in these Flood zones must be constructed as BFE or higher.
- C. FHBMs were subsequently replaced by Flood Insurance Rate Maps ("FIRM"s).
- D. Flood Zones for Robbinsville were represented on FIRM Community Panel No. 340255 005 B. (effective September 29, 1978),¹¹⁰ which classified the various lands in the Township as Special Flood Hazard Areas (Flood zones).

As shown on the Township's Flood Insurance Rate Map,¹¹¹ Robbinsville contains:

- 'A Zones': Areas of 100-Year flood. Numbered 'A' Zones are Special Flood Hazard Areas ("SFHA"s) where Base Flood Elevations in relation to NGVD¹¹² and flood hazard factors have been determined.

The 1978 FIRM for Robbinsville mapped:

- | | |
|-------------|-----------------|
| ○ A Zones; | ○ AO Zones; |
| ○ AE Zones; | ○ AR Zones; and |
| ○ AH Zones; | ○ A99 Zones. |

¹¹⁰ Replacing:

- Community No. 340225 FIA Flood Hazard Boundary Map H:01-06, H:01, H:02, H:03, H:04 & H:05, prepared by the U.S. Department of Housing & Urban Development, Federal Insurance Administration (May 17, 1974)
- Community No. 340225A Flood Hazard Boundary Map H:01-06, H:01, H:02, H:03, H:04 & H:05, prepared by the U.S. Department of Housing & Urban Development, Federal Insurance Administration (July 9, 1976)

¹¹¹ FEMA Training / Course Material: Appendix D. (Last Updated: March 5, 2007)
(<https://www.fema.gov/media-library/assets/documents/6029> (Appendix D.))

B and C Zones may have flooding that does not meet the criteria to be mapped as a Special Flood Hazard Area, especially ponding and local drainage problems.

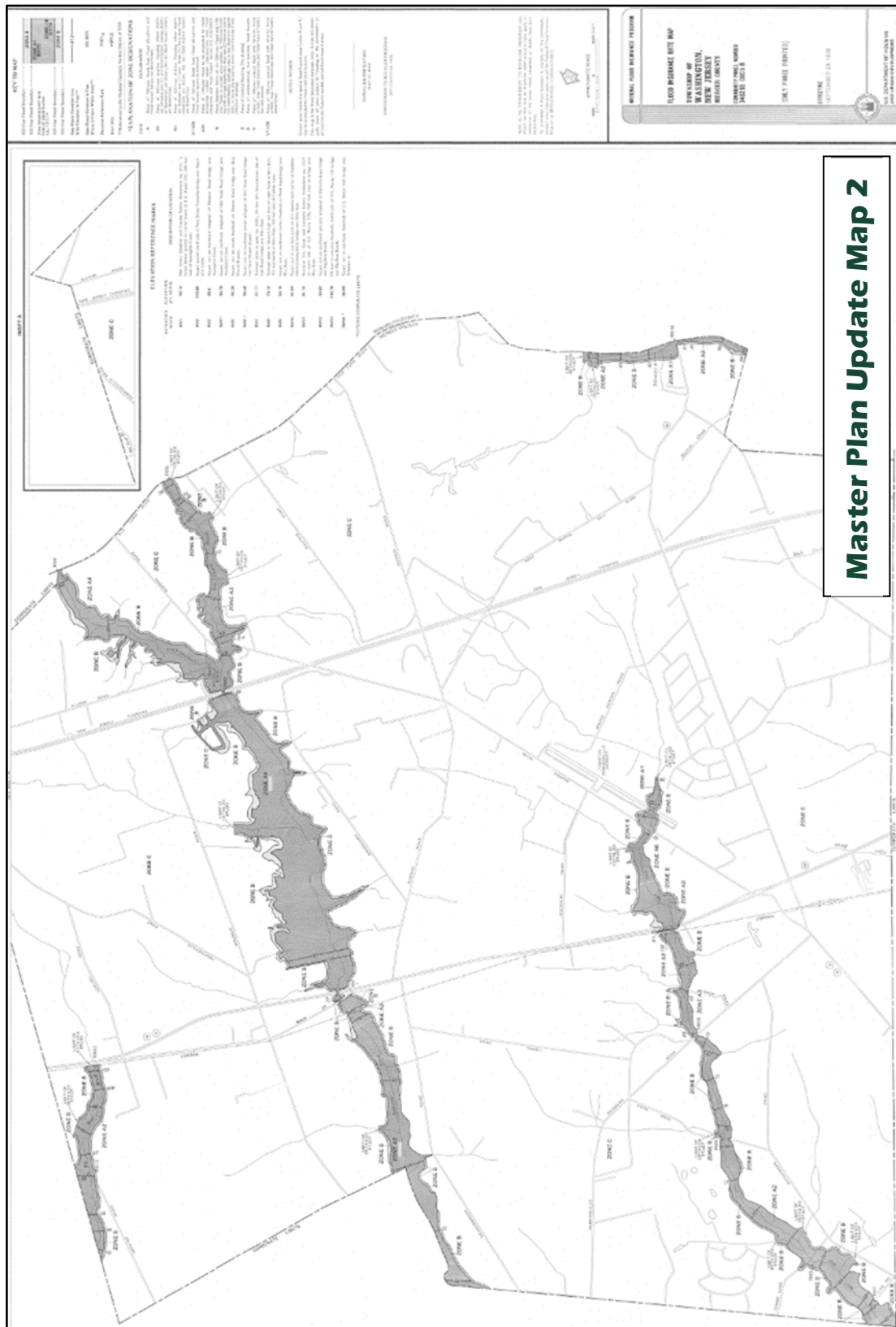
With the exception of converting the 'B' and 'C' Zones to "X" Zones on newer FIRMS, research for this Master Plan Update was unable to locate definitions used in 1978 or confirm whether or not any changes to such definitions were made between 1978 and 2007.

¹¹² National Geodetic Vertical Datum: a system used by surveyors and engineers as the basis for relating ground and flood elevations. Replaced by the more accurate North American Vertical Datum of 1988 (NAVD 88).



- 'X Zones': Areas of moderate flood hazard, usually depicted on FIRMS as between the limits of the 100-year flood and the 500-year flood; or certain areas subject to 100-year flooding with average depths less than 1' or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the base flood.
- 'C Zones': Areas of minimal flood hazard, usually depicted on FIRMS as above the 500-year flood level.

1978 FIRM Community Panel No. 340255 005 B. is reproduced herein as Master Plan Update Map 2.



Master Plan Update Map 2

E. Community Panel No. No. 340255 005 B. was prepared prior to Superstorm Sandy (October 2012). At the time of Sandy, FEMA was in the process of compiling the necessary data to update the FIRM maps nationwide, and was scheduling mid-2013 as the date when the new FIRMS were to be finalized. With the occurrence of Sandy, FEMA accelerated its updating process by issuing what it described as “near-term Advisory Base Flood Elevation” (“ABFE”) Maps.

The ABFE Maps were intended to guide communities during the rebuilding process as well as designers and contractors undertaking new construction until the updated FIRMS and related regulations were formally adopted. The ABFEs reflected higher minimum First Floor Elevation requirements than established by the [then-existing] FIRMS, and expanded Flood Hazard Zones beyond those shown on the [then-existing] FIRMS. While advisory in nature, the ABFEs and related advisory regulations were to be used by FEMA to determine flood insurance rates under its National Flood Insurance Program (“NFIP”).

On January 24, 2013, reacting to the uncertainty surrounding the “advisory” nature of the ABFEs and desiring to reduce impediments to rebuilding after Sandy, NJDEP adopted emergency amendments (Rules) to the New Jersey Flood Hazard Area Control Act.¹¹³ In summary, the Emergency Rules established requirements and more efficient approval procedures for constructing, reconstructing, relocating and elevating structures in Flood Hazard Areas, and to otherwise flood-proof buildings to avoid the type and severity of flood damage experienced by Sandy and to reduce the type and severity of flood damage when it does occur.

In pertinent part, the Emergency Rules:

- Adopted the ABFE-mapped Flood Hazard Areas (i.e., ‘A’ and ‘V’ Zones);
- Adopted the ABFE minimum elevation requirements for new and reconstructed buildings; and

¹¹³ N.J.A.C. 7:13

- Enacted building regulations designed to ensure consistency between NJDEP standards for elevating buildings in Flood Hazard Areas and the building standards of the Uniform Construction Code¹¹⁴ promulgated by NJDCA.

F. Over time, FEMA issued a number of updated maps sets as Preliminary Flood Insurance Rate Maps (“PFIRMs”). These PFIRMs became effective for different municipalities at different times. The PFIRMs for Robbinsville became effective on July 20, 2016. Instead of a single Community Panel, these now finalized FIRMs depicts the Township on Community Panel Numbers:

- 34021-C-0163-F
- 34021-C-0164-F
- 34021-C-0232-F
- 34021-C-0234-F
- 34021-C-0251-F
- 34021-C-0252-F
- 34021-C-0253-F
- 34021-C-0254-F
- 34021-C-0256-F
- 34021-C-0258-F
- 34021-C-0261-F
- 34021-C-0262-F

A compilation of these FIRM Community Panels is provided herein as Master Plan Update Map 3. A more user-friendly version of the composite FIRM, based on FEMA digital mapping,¹¹⁵ is provided herein as Master Plan Update Map 4.

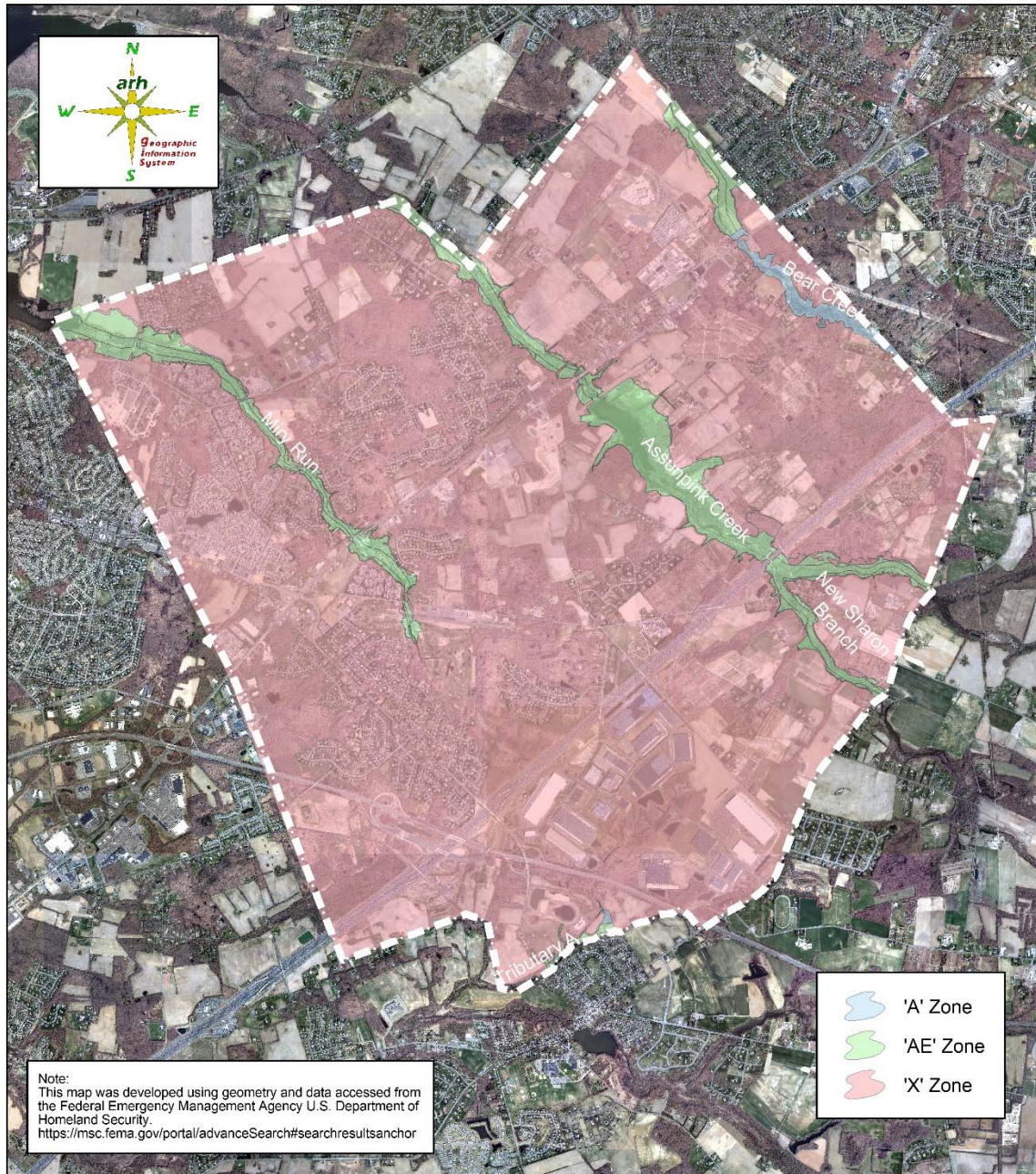
FLOODPLAIN	AREA (acres)	% OF TOWNSHIP
100-YEAR	727.8	5.5%
500-YEAR	890.9	6.8%
TOTAL	1,618.6	12.3%

Master Plan Update Table 1

¹¹⁴ N.J.A.C. 5:23

¹¹⁵ <https://msc.fema.gov/portal/advanceSearch>





**2020 COMPREHENSIVE
MASTER PLAN UPDATE &
LAND USE PLAN AMENDMENT**

**ROBBINSVILLE TOWNSHIP
MERCER COUNTY, N.J.**

**MAP 4
FEMA FLOOD ZONES**



ARH Project #15-30001

G. While the FIRMs classify the vast majority of lands in Robbinsville as being outside of the Special Flood Area (i.e., Area of Minimal Flood Hazard), some Township lands are within the Special Flood Hazard Area.¹¹⁶ Specifically:

- 'A': No Base Flood Elevations determined;
- 'AE': Base Flood Elevations determined. Floodway¹¹⁷ must be kept free of encroachment so that the 1% annual chance of flood can be carried without substantial increase in flood heights; and
- 'X': Areas outside of the 0.2% annual chance floodplain; Areas of 0.2% Annual Chance Flood;¹¹⁸ Areas of 1% Annual Chance Flood with average depths of less than 1' or with drainage areas less than 1 square mile; and Areas protected by levees from the 1% annual chance flood.

FEMA'S digital FIRM¹¹⁵ depicting the subdivisions of the Special Flood Areas ~ for Robbinsville, the 'X' Zone ~ is provided herein as Master Plan Update Map 5.

6.3.3 FLOODPLAIN MANAGEMENT

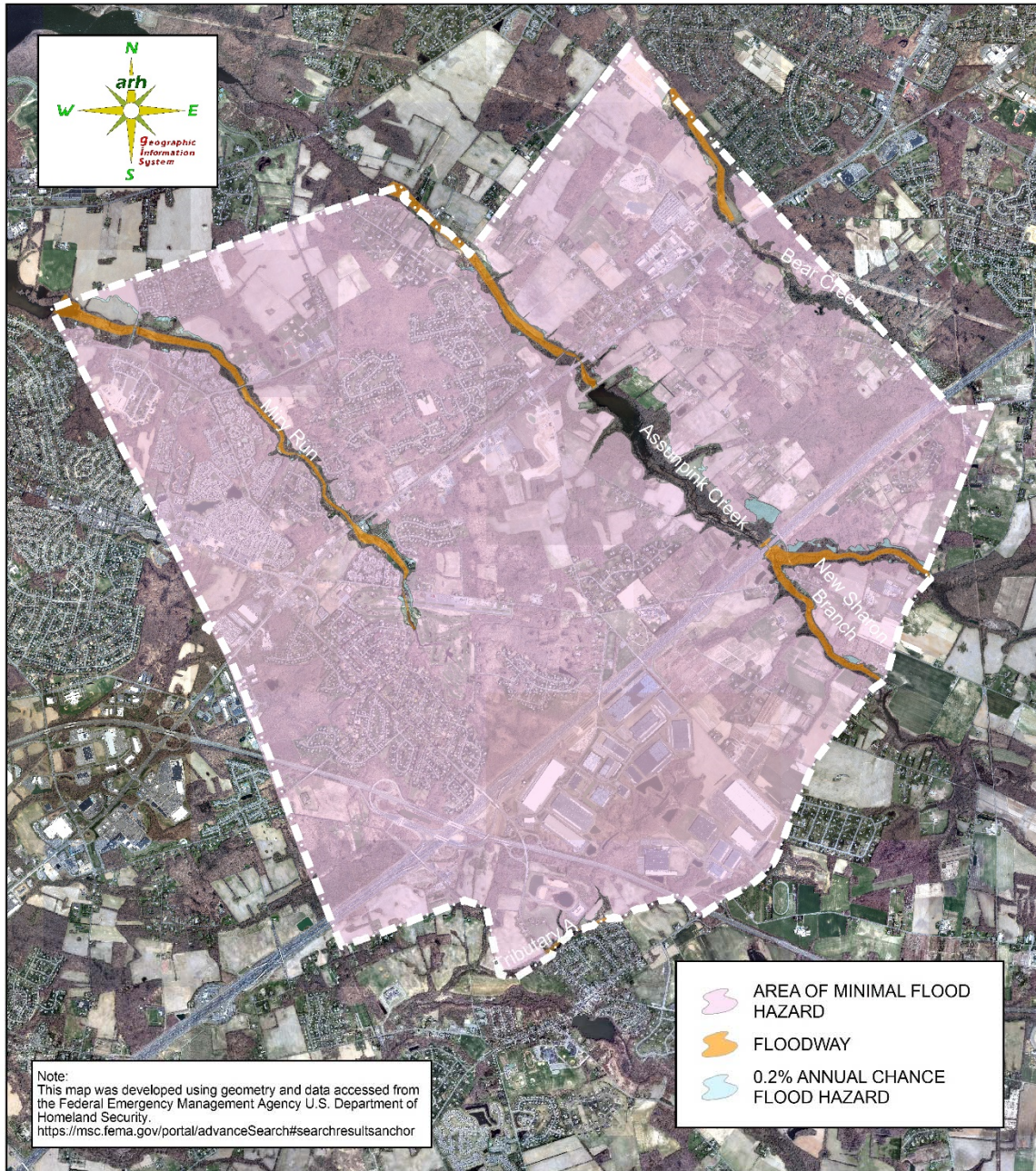
A. In the aftermath of Sandy, governmental entities at all levels ~ but most notably at the municipal level ~ have struggled to balance the often-competing priorities of resiliency, public safety, protection of property and the need to maintain affordable construction costs. In order to assist municipalities, FEMA, NJDEP and other governmental entities have undertaken analyses to determine the best course of action for each locality.

The State's review of Robbinsville's requirements has not resulted in any required changes.

¹¹⁶ Lands subject to inundation (flooding) by the 1% Annual Chance Flood (a.k.a. the 100-Year Flood ~ the flood that has a 1% chance of being equaled or exceeded in any given year.

¹¹⁷ Defined as the channel of a stream plus any adjacent floodplain areas.

¹¹⁸ Lands subject to inundation (flooding) by the 0.2% Annual Chance Flood (a.k.a. the 500-Year Flood ~ the flood that has a 0.2% chance of being equaled or exceeded in any given year.



**2020 COMPREHENSIVE
MASTER PLAN UPDATE &
LAND USE PLAN AMENDMENT**

**ROBBINSVILLE TOWNSHIP
MERCER COUNTY, N.J.**

**MAP 5
FEMA FLOOD ZONE
DESCRIPTIONS**



ARH Project #15-30001



- B. In addition to following State and federal regulations addressing flood hazard areas,¹¹⁹ the Township:
1. Provides information regarding the Township's historic and most recent FIRMs available, upon request.
 2. Offers individualized advice regarding property protection.
 3. Reviews flood studies for areas not included on the FIRMs and areas that exceed minimum mapping standards.
 4. Has preserved much of its Special Flood Hazard Area lands as open space. By designating these lands as open space, the Township has ensured their preservation in perpetuity.
 5. Enforces regulations that require freeboard for new construction and Substantial Improvements, local drainage protection, and 'A' Zone structures to meet building and enclosure criteria.
 6. Enforces regulations for stormwater management, soil and erosion control, and water quality.
 7. Regularly inspects the Township's drainage system and performs maintenance as needed, with problem sites receiving added attention.
 8. Enforces a regulation prohibiting dumping in the drainage system.

¹¹⁹ Permits are required for:

- Alterations to stream channels or floodplains within the 100-Year Flood boundary under the Flood Hazard Control Act (N.J.S.A. 58:16A-50 et seq.) administered by NJDEP, Division of Water Resources, Bureau of Floodplain Management.
- Discharges into surface or groundwaters under the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) administered by NJDEP Division of Water Resources.
- Dredging or filling of navigable waters, their floodplains and tributaries under the Clean Water Act (33 U.S.C 1344) administered by the U.S. Army Corps of Engineers.
- Discharge of wastewaters into surface waters in accordance with the Federal Water Pollution Control Act (PL 92-500) under the National Pollutant Discharge Elimination System process.

9. Provides timely identification of impending flood threats, disseminates warning to appropriate floodplain residents, and coordinates flood response activities.

C. Recommendations

This Master Plan Update recommends that the Township:

1. Continue to monitor the FEMA rulemaking process for updated flood elevation information and update local regulations if and when appropriate.
2. Regularly consult the various web-based and other published resources to maintain its awareness regarding current risks and measures that can be taken to protect against large storm events and to obtain current guidance regarding FEMA's National Flood Insurance Program and other related information. Such resources include, but need not be limited to *Getting to Resilience ~ A Community Planning Evaluation Tool*.¹²⁰

6.4 LAND USE PLAN AMENDMENT

6.4.1 ZONING GENERALLY

- A. Planning theory advises that a sound Zone Plan will provide for a rational arrangement of land uses in such a manner as to promote the health, safety, morals and general welfare of a community.
- B. The *Municipal Land Use Law* provides that Zoning lines “be drawn with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate (future) uses of land. The regulations in the Zoning Ordinance shall be uniform throughout each district for each class or kind of buildings or other structure or uses of land...”¹²¹

¹²⁰ www.prepareyourcommunitynj.org/

¹²¹ N.J.S.A. 40:55D-62.

As detailed in Robbinsville’s prior Master Planning efforts and throughout this Master Plan Update, the Township has, since the (approximate) 1990s, been faced with increasing market pressures for housing development which has resulted in low-density Suburban Sprawl and transformed the character of portions of the Township from a rural community with isolated village development to a suburban community with significant traffic congestion and ever-increasing demands on public resources to maintain a high quality of life.

Both the 2000 Master Plan and the 2007 Reexamination have attempted to address this issue by establishing Zoning provisions designed to address where and how development is permitted to occur. Additionally, the Township has taken steps to acquire open space for preservation purposes. While it is not possible to eliminate development that has taken place, these efforts have been successful in directing new development to appropriate locations in the municipality and in mandating context-sensitive site design and architecture.

It appears that these efforts, combined with a more critical eye¹²² toward the granting of Variance requests, are beginning to have their desired effect.

6.4.2 ZONE PLAN

The Township’s current Zone Plan¹²³ created specific Residential, Mixed-Use, Commercial and Specialty Zoning Districts, along with Overlay Districts and designated Redevelopment Areas as follows:

Residential Zoning Districts

- RR Rural Residential
- RR-T1 Rural Residential — Transition District
- RR-T2 Rural Residential — Transition District
- R1.5 Low Density Residential
- H-1 Windsor Historic District — Residential
- H-2 Windsor Historic District — Residential
- MH Mobile Home
- VD Village Development

¹²² by the Township’s Planning Board and Zoning Board of Adjustment

¹²³ adopted April 1987, with amendments through May 2016.



Mixed Use Zoning Districts

- TC Town Center¹²⁴
- MU / ARCD Mixed Use/Age-Restricted Conservation Development

Commercial Zoning Districts

- OC-1 Office/Commercial Zone
- VC Village Commercial
- VT Village Transitional Zone
- HC Highway Commercial
- ORH Office, Research, Hotel
- PCD Planned Commercial Development
- OW Office Warehousing Light Manufacturing
- AC Airport Commercial
- GC Golf Course Commercial
- H-O Historic Overlay

Specialty Zoning Districts

- CONS Conservation
- AS Air Safety and Airport Hazard
- Historic Overlay Districts

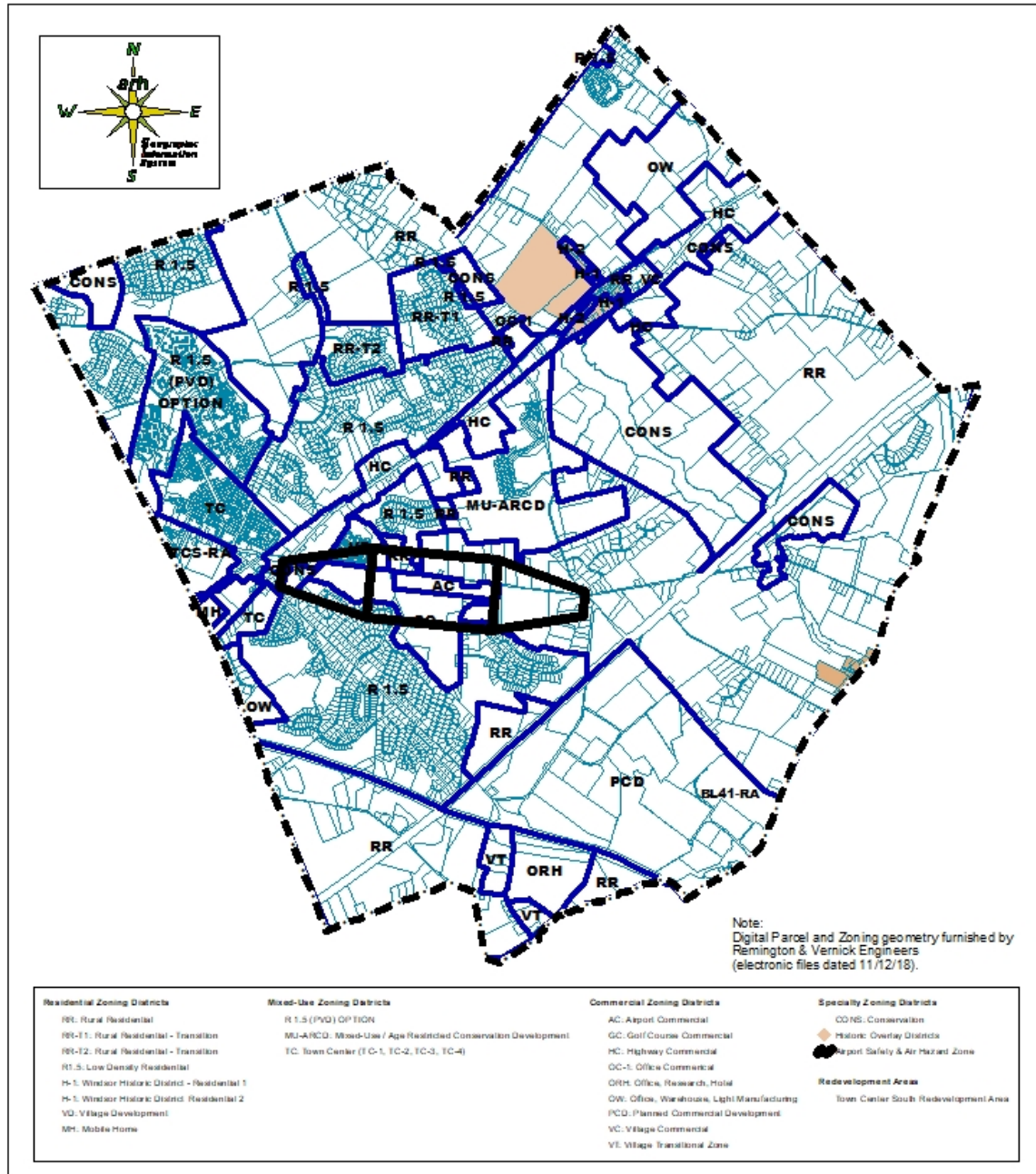
Designated Redevelopment Areas

- BL41-RA Block 41 Redevelopment Area
- TCS-RA Town Center South Redevelopment Area

These Zones are depicted on the Township's Zoning Map, reproduced herein as Master Plan Update Graphic 5. Existing zoning overlain on the most current Parcel Layer is provided herein as Master Plan Update Map 6.

¹²⁴ Further divided into Town Center 1 (TC-1), Town Center 2 (TC-2), Town Center 3 (TC-3) and Town Center 4 (TC-4) subdistricts.





**2020 COMPREHENSIVE
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**MAP 6
PRE-EXISTING ZONING**



ARH Project #15-30001



6.4.3 TOWNSHIP MAPPING & DATA

- A. As is typical of municipalities, Robbinsville utilizes its Tax Maps as the basis for its Zoning Map and other Township mapping efforts.

Prior to computers, Robbinsville's municipal Tax Maps were hand-drawn, with accuracy limited to the scale achievable to the Surveyors (if properties were surveyed) and drafters of the day. Maps derived from the Tax Maps, including Zoning (and other) Maps, were naturally limited to the accuracy of the Tax Maps.

With the advent of computer aided drafting programs and other cartographic technologies, accuracy increased.

Robbinsville is in the process of converting its Tax Maps to digital format¹²⁵, and employs a consultant to maintain them for the municipality. These Maps are updated (typically) annually to reflect changes in Lot geometry due to subdivisions and consolidations, and when property surveys, deeds or other sources reveal errors.

- B. In addition to maintaining the Tax Maps, the consultant combines the individual electronic Tax Map pages to create a single, Township-wide, geo-referenced digital Parcel Map (a.k.a. "Parcel Layer"). This Parcel Map is used in conjunction with various data sources¹²⁶ via Geographic Information System (G.I.S.) programs¹²⁷ for an unlimited number of mapping products ~ including the Zoning Map and many of the maps used throughout this Comprehensive Master Plan Update.

¹²⁵ Individual tax map sheet (plates) are converted when the geometry of individual lots on such sheets are changed via subdivision or consolidation.

¹²⁶ Principally, but not exclusively, the Township Tax Assessor's electronic (MOD IV) database, which contains significant physical and administrative attributes for each tax lot (e.g., Block, Lot, Street Address, Owner's Name and Address, Land Area, sales and Deed Data, Assessment Information, Building Description and relevant Assessment Codings).

As a geo-referenced map, the Parcel Layer can be used in combination with other geo-referenced products to graphically depict any number of data-types.

¹²⁷ G.I.S. is a framework for gathering, managing / integrating and analyzing data via spatial locations and visualizations. Before G.I.S. technology, maps were, in essence, two-dimensional images. By integrating data and digital mapping, G.I.S. reveals deeper insights than can be gleaned from either alone. Using G.I.S., patterns, relationships and situations can be recognized and understood, leading to smarter decision-making.



This Master Plan Update employs a Parcel Layer current through November 2018, with MOD IV data current through January 2018.

- C. The MOD IV data includes a field named Property Class Codes, which classifies Tax Lots as to land use. Pertinent to Robbinsville, the Property Class Codes identify Lots as:

Taxable Property

- 1 Vacant Land
- 2 Residential (1-3 Units)
- 3A Farm (Regular)
- 3B Farm (Qualified)
- 4A Commercial
- 4B Industrial
- 4C Apartment (Residential 4+ Units)

Railroad Property

- 5A Railroad Class I

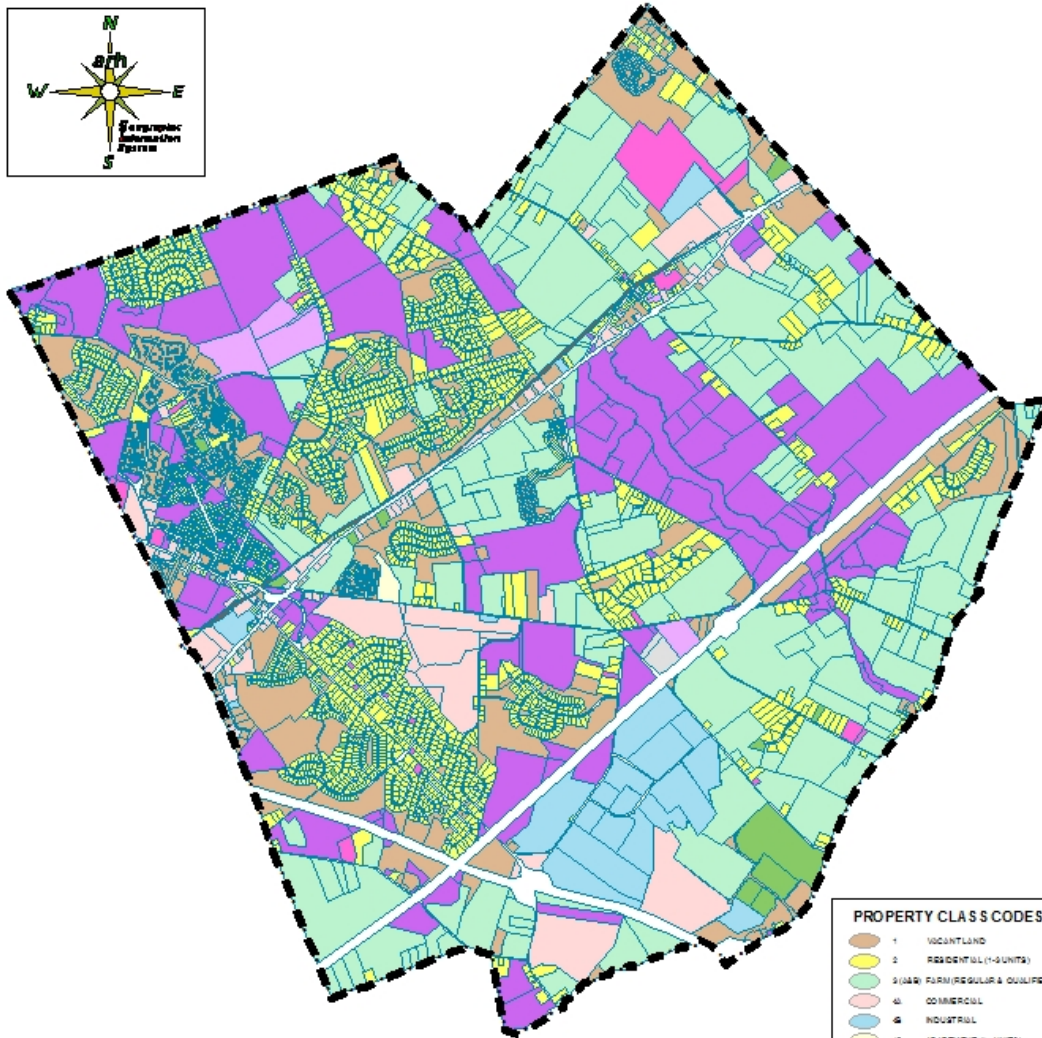
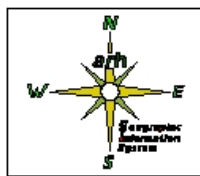
Exempt Property

- 15A Public School Property
- 15C Public Property
- 15D Place of Worship & Charitable Property
- 15E Cemeteries & Graveyards
- 15F Other Exempt

As a first step in analyzing the Township's existing Zone Plan, the Property Class Codes appended to the Township's November 2018 G.I.S. Parcel Map were employed to create a Generalized Land Use Map of the municipality, classifying each property in Robbinsville as to use (Master Plan Update Map 7).

Existing Zoning District boundary lines were then overlaid onto the Generalized Land Use Map to create Master Plan Update Map 8.

These maps were then used to review existing land use against existing zoning to determine if Zoning District boundaries should be recommended for adjustment.



PROPERTY CLASS CODES

1	VACANTLAND
2	RESIDENTIAL (1-4 UNITS)
3 (A/R)	FARM (REGULAR & QUALIFIED)
4	COMMERCIAL
5	INDUSTRIAL
6	APARTMENT (4+ UNITS)
7	RAILROAD (CLASSES)
15A	PUBLIC SCHOOL
15C	PUBLIC PROPERTY
15D	PL. OF WORKSHIP & CHARITABLE
15E	CEMETERIES & GRAVEYARDS
15F	OTHER EXEMPT

Note:
Digital Parcel geometry and Tax Assessor's data
furnished by Remington & Vernick Engineers
(electronic files dated 11/12/18).

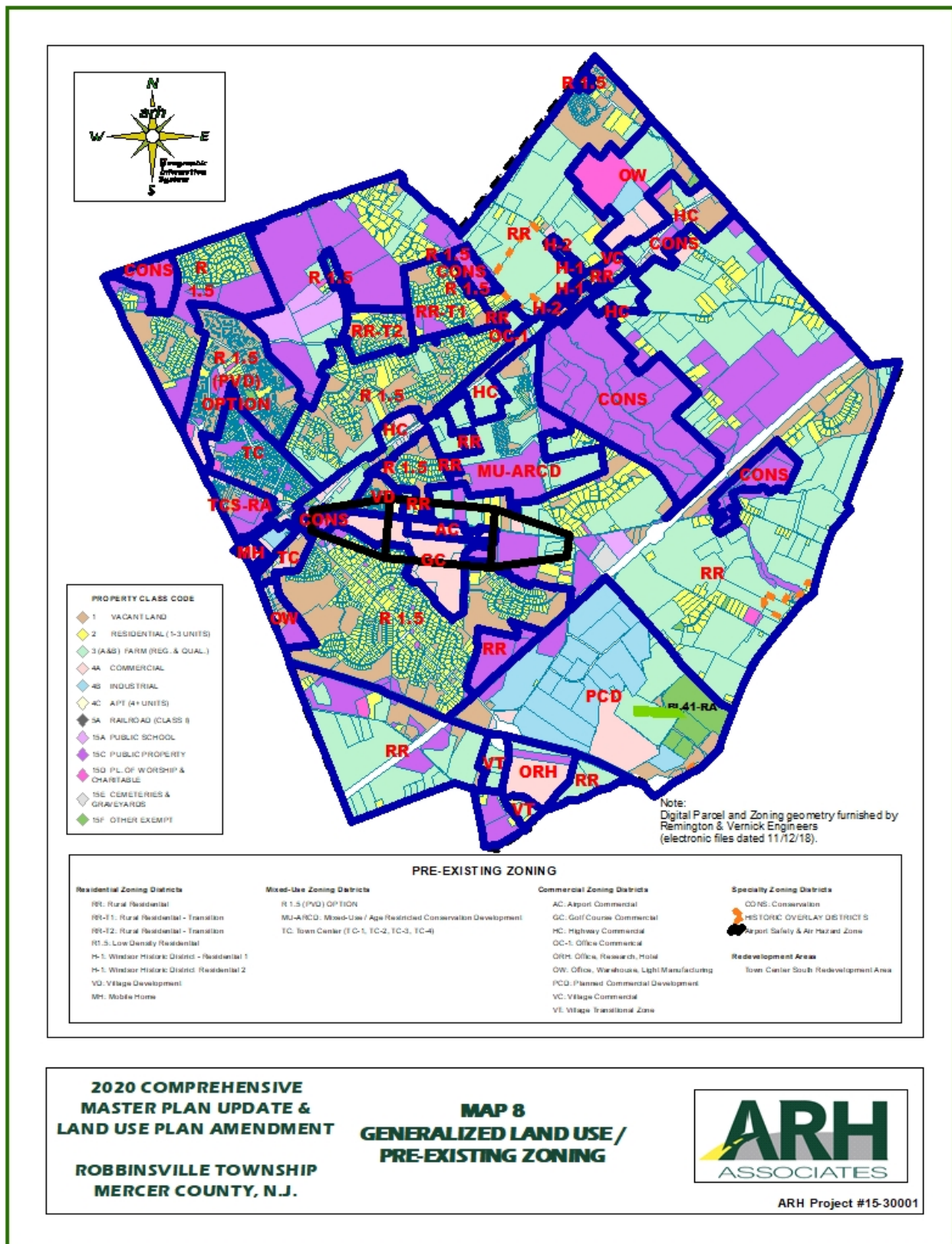
**2020 COMPREHENSIVE
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**MAP 7
GENERALIZED LAND USE**



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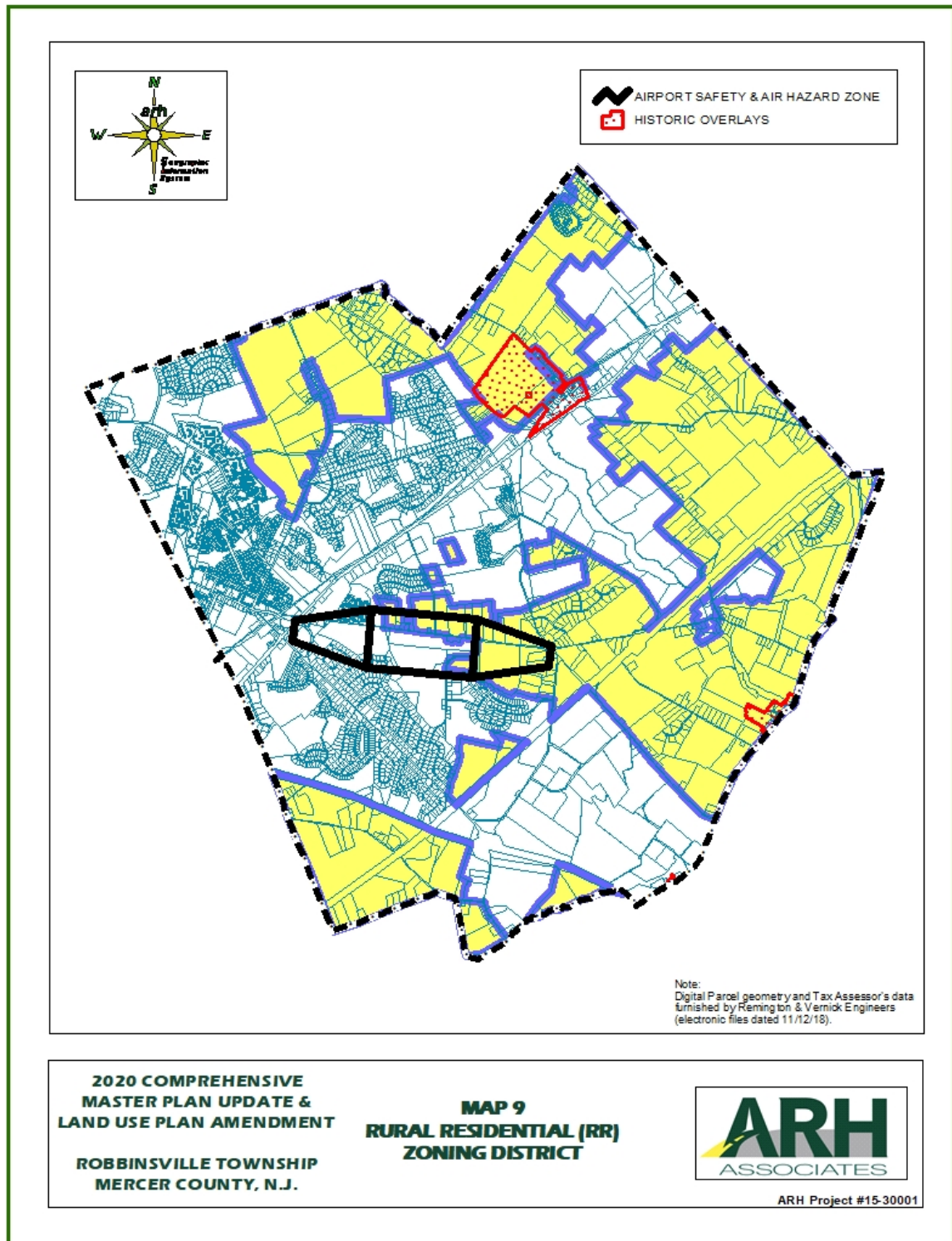
MAP 8
GENERALIZED LAND USE /
PRE-EXISTING ZONING



ARH Project #15-30001

6.5 LAND USE RECOMMENDATIONS

6.5.1 RURAL RESIDENTIAL (RR) ZONING DISTRICT



- A. The RR Zone covers (approximately) 5,885 acres, equating to 44.9% of the Township.
- B. The RR Zone is governed by §142-13. The Preamble to the RR Zone (§142-13 A.) states:¹²⁸

The RR Zone is intended to preserve the rural land use pattern and visual character by allowing low-density residential units while encouraging farms and related uses. The permitted density is low and the development permitted will generally not benefit from public capital expenditures. The permitted density is 1 unit per 2 acres, which recognizes the septic unsuitability and seasonal high-water table of many of the soil types. Agricultural and conservation easements are encouraged to retain viable farmland.

- C. §142-13 B., C. and D. specify Permitted Principal, Accessory and Conditional Uses in the RR Zone.¹²⁸

Permitted Principal Uses

- *Farms provided that... the farm shall provide a building for the shelter and care of [livestock] in accordance with §142-108 L..., and all such livestock shall be contained within fenced areas.*
- *Single-family detached dwelling units.*
- *Public playgrounds, conservation areas, parks and public-purpose areas.*
- *Mausoleums and columbariums [sic].*
- *Cluster residential development, with and without public sewers...*

Permitted Accessory Uses

- *Greenhouses...*
- *Landscape contracting, tree pruning services, firewood processing, wood mulches and sales of products grown on the site...*
- *Structures used for private and commercial horticultural, agricultural or forestry purposes, exclusive of greenhouses and stables.*
- *The keeping of ... livestock in those areas classified as farms.*
- *The keeping of ... livestock, with a minimum of 5 acres for every 2 animals, only in fenced areas in those areas not classified as farms.*
- *Noncommercial dog kennels housing not more than 6 dogs, provided that no building or outside enclosures shall be permitted within 100' of any lot line.¹²⁹*

¹²⁸ Truncated for brevity / clarity. Refer to §142-13 for the full text.

¹²⁹ Appears to be in conflict with Township Code §74-3 (Number of Dogs Limited) [Added by Ord. No. 93-16], which provides: "No person may keep, harbor, or maintain on a residential property on 6 acres or less more than 3 dogs, and not more than 6 dogs on a residential property of more than 6 acres".

- *All agricultural activities and farm-related uses of land, including, but not limited to, the sale of agricultural, horticultural or forestry produce or products which have been raised on the property from which it is sold and freezing lockers or other similar facilities for the sale, storage and processing of farm and livestock produce, including the sale of firewood, which has been raised on the farm from or on which it is to be sold, stored or processed; provided, however, that the issuance of a permit therefor shall first have been approved by the Planning Board, after public notice and hearing, on the basis that adequate lot area and yard spaces are provided, that the buildings and use will not adversely affect the neighborhood and that adequate parking space is provided for as many customers and employees as might be expected on the premises at one time.*
- *Private Residential Swimming Pools and Tennis Courts*
- *Fences and walls,... (see §142-36 for additional standards).*
- *Private residential toolsheds...; provided, however, that not more than 1 such toolshed per lot shall be a permitted...*
- *Campers, travel trailers, boats and other movable property, to be parked or stored in rear or side yards only,... such vehicles shall not be used for temporary or permanent living quarters while situated on a lot.*
- *Off-street parking and private garages.*
- *Satellite antenna dishes... in the side or rear yard only within the side and rear yard setbacks, and shall not be mounted on any structure, but shall be permanently located on the ground.*
- *Home occupations.*
- *Amateur radio antennas and antenna support structure...*

Permitted Conditional Uses

- *Office and Research.*
- *Child-Care Centers.*
- *Cemeteries.*
- *House of Worship.*

D. Development regulations for the RR Zone, including specific conditions and regulations for 3-Acre Lots, the *Planned Unit Residential Development (PURD) Option* and for the *Retention of Existing House and Farmstead* are contained in the balance of §142-13.

Regulations specific to the Cluster Residential Option are contained in §142-13 and §142-31.



- E. As depicted on Master Plan Update Map 12, the Township's Historic Overlay (H-O) Zone extends into the RR Zoning District west of Edinburg Windsor Road [CR 641] and north of the Railroad right-of-way, and the RR Zone along the eastern boundary of the Township north of Walters Road.

The Overlay is governed by §142-30.1, which, in pertinent part, establishes a Historic Preservation Subcommittee and permits such entity, if requested by the Planning Board or Zoning Board, to “*advise on applications for development, including new construction or replacements, alterations, and/or additions, within the designated Historic Overlay Zone*”.

§142-30.1 E.(4)(a) requires cluster development in the portion of the RR Zone subject to the Overlay.

A full review and analysis of the Historic Overlay(s) is addressed in §6.5.17 herein.

- F. After an in-depth analysis of the land uses within the RR Zone, the following recommendations are offered:

1. Modify the RR Zone along the Township's northern boundary on either side of CR 526 to Conservation (CONS).
2. Modify the RR Zone west of Edinburg Windsor Road [CR 641] and north of the Railroad right-of-way to Conservation (CONS). Extend such Zone to the centerline of the right-of-way.

The existing Historic Overlay zoning shall remain unaffected.

3. Modify the RR Zone west of CR 526 and north of Buckley Lane to Low Density Residential (R1.5).
4. Eliminate RR Zoning from the landlocked RR district east of Woodside Road and south of Route 130 and absorb this Lot into the Highway Commercial (HC) Zone.

5. Certain portions of the RR Zone are overlain by the Township's Air Safety and Air Hazard (AS) Zone, which limits residential uses¹³⁰ to existing single-family dwelling units on:

- Block 25, Lot 4 (184 Sharon Road);
- Block 26, Lot 18 (139 Sharon Road), Lot 20 (131 Sharon Road), and Lot 21 (123 Sharon Road); and
- Block 27, Lot 13 (77 Sharon Road), Lot 14 (73 Sharon Road), and Lot 17 (99 Sharon Road).

and specifically prohibits other single-family residential dwellings.

Further, no variance or other relief from Chapter 142 may be granted without a permit from the Commissioner of the New Jersey Department of Transportation.

Accordingly, RR Zoning is inconsistent with and superseded by the regulations governing Airport Safety Hazard Zones. It is therefore recommended that RR Zoning be eliminated from the lands under the AS Zone.¹³¹

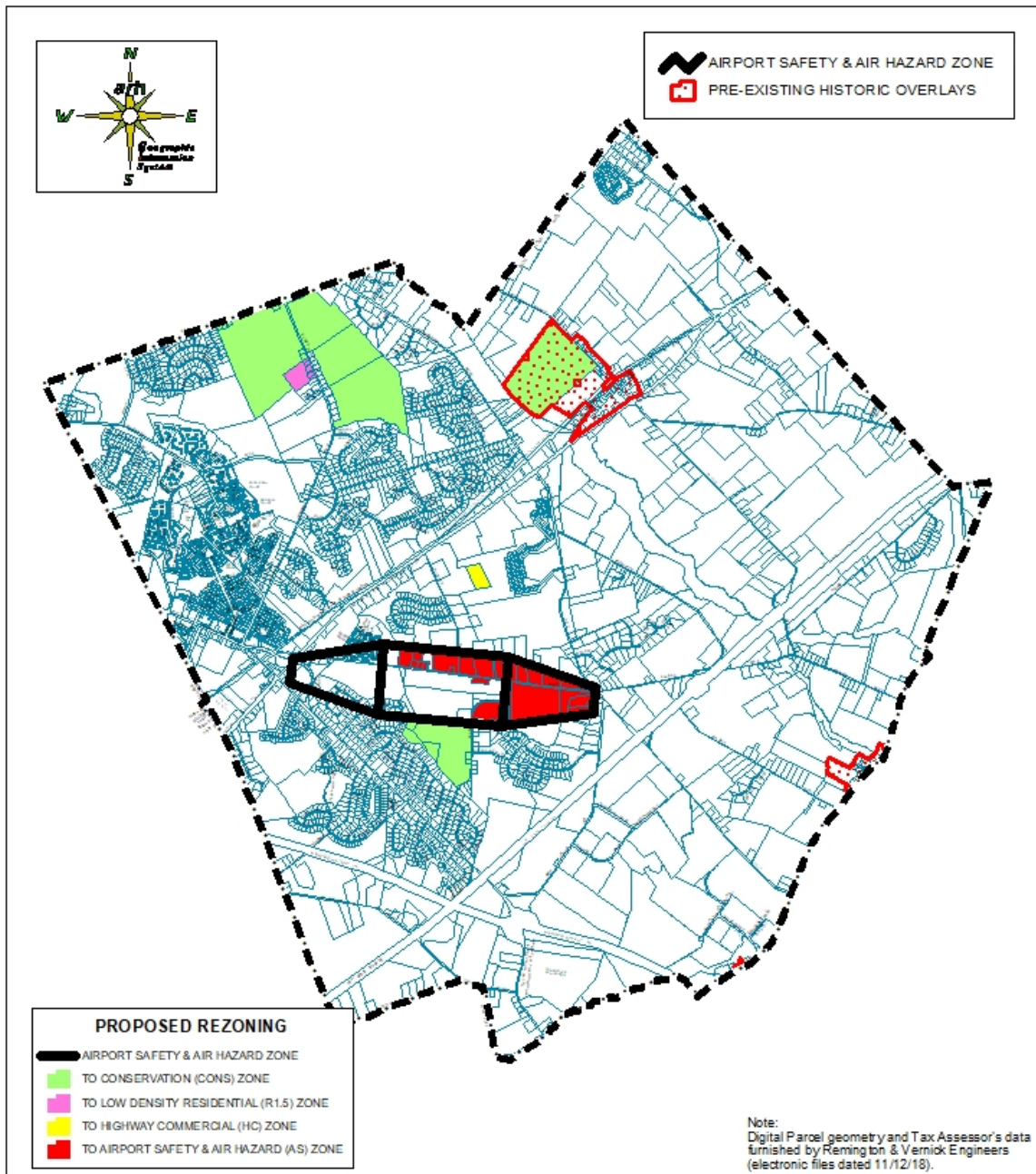
These recommendations are graphically depicted on Master Plan Update Map 9A.

G. Issues related to the Historic Overlays and their implications for the RR Zone are addressed in Master Plan Update §6.5.17.

H. No additional changes are recommended for the RR Zoning District.

¹³⁰ §142-28 et seq.

¹³¹ Issues related to the AS Zone are addressed in §6.5.21 of this Master Plan Update.



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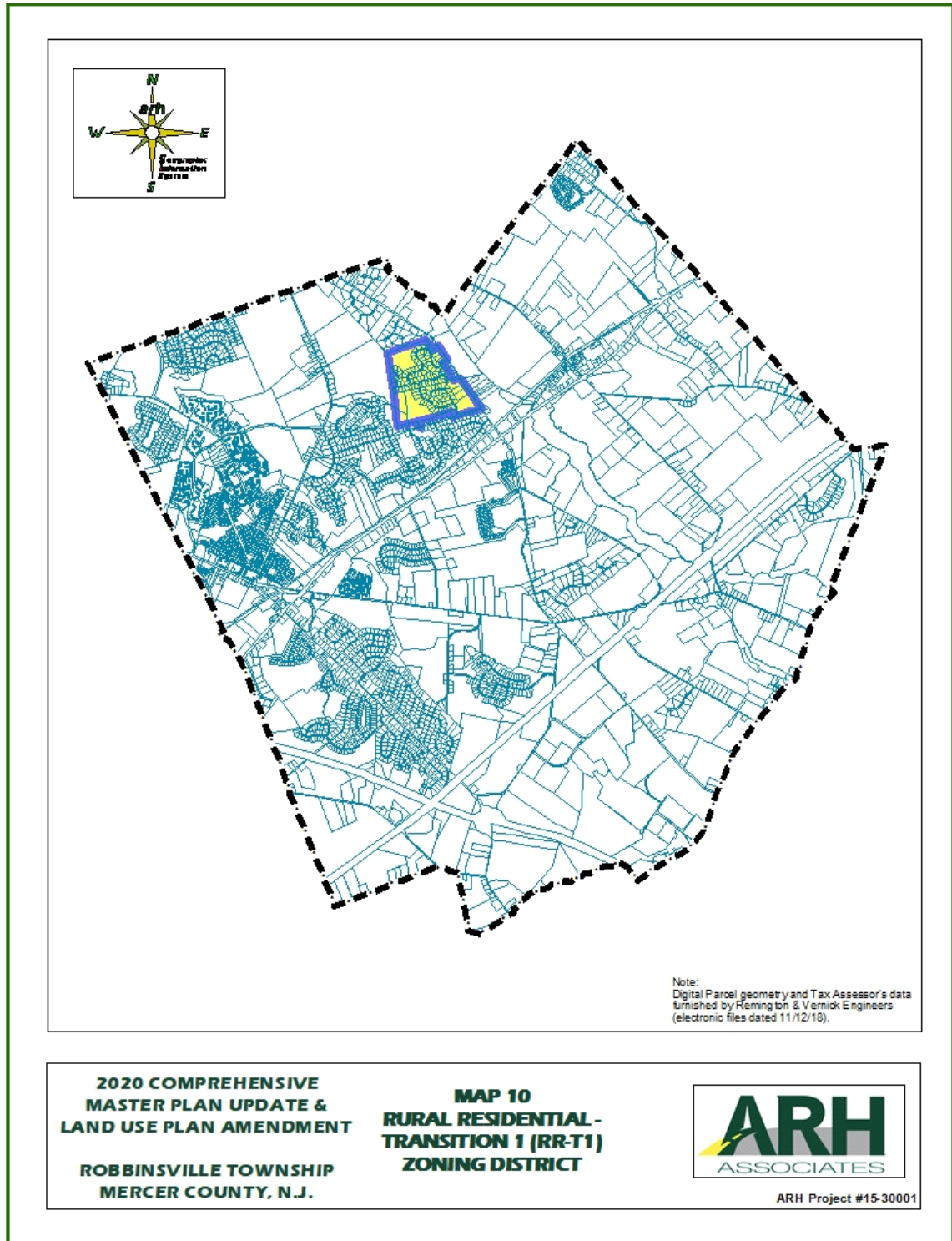
ROBBINSVILLE TOWNSHIP
MERCER COUNTY, N.J.

MAP 9A
PROPOSED MODIFICATIONS TO
RURAL RESIDENTIAL (RR)
ZONING DISTRICT



ARH Project #15-30001

6.5.2 Rural Residential – Transition District 1 (RR-T1)



- A. The RR-T1 Zone covers (approximately) 177 acres, equating to 1.4% of the Township.
- B. The RR-T1 Zone is governed by §142-15. The Preamble to the RR-T1 Zone (§142-15 A.) states:¹³²

The RR-T1... District is intended to serve as a transition to the RR... District (0.5 unit per acre). Development is permitted as of right in the RR-T1 District in accordance with the RR Zone standards. Development at an increased density is permitted as a Conditional Use if public water and sewer service is provided. Conditional Use development may be permitted either as a conventional development on a minimum of 1-acre lots or single-family residential clusters on a minimum of 25,000 s.f. lots or lots with an average lot size of 25,000 s.f.

- C. §142-15 B., C. and D. specify Permitted Principal, Accessory and Conditional Uses in the RR-T1 Zone.¹³²

Permitted Principal Uses

Single-family detached dwellings in accordance with the standards set forth for the RR District.

Permitted Accessory Uses

All accessory uses permitted in the RR District...

Permitted Conditional Uses

- *Nursery schools and day-care centers.*
- *Cemeteries.*
- *Residential Cluster Development... pursuant to §142-61J(16)...*
- *Conventional development of single-family detached dwellings...*

- D. The development regulations for “of-right”, *Conditional Conventional* and *Conditional Residential Cluster* development in the RR-T1 Zone are contained in §142-15 A. (Preamble). Regulations for *Conditional Conventional* and *Conditional Residential*

Cluster development are repeated under §142-15 D. (Conditional Uses).

Regulations specific to the Cluster Residential Option are contained in §142-15 and §142-61 J.

¹³² Truncated for brevity / clarity. Refer to §142-15 for the full text.



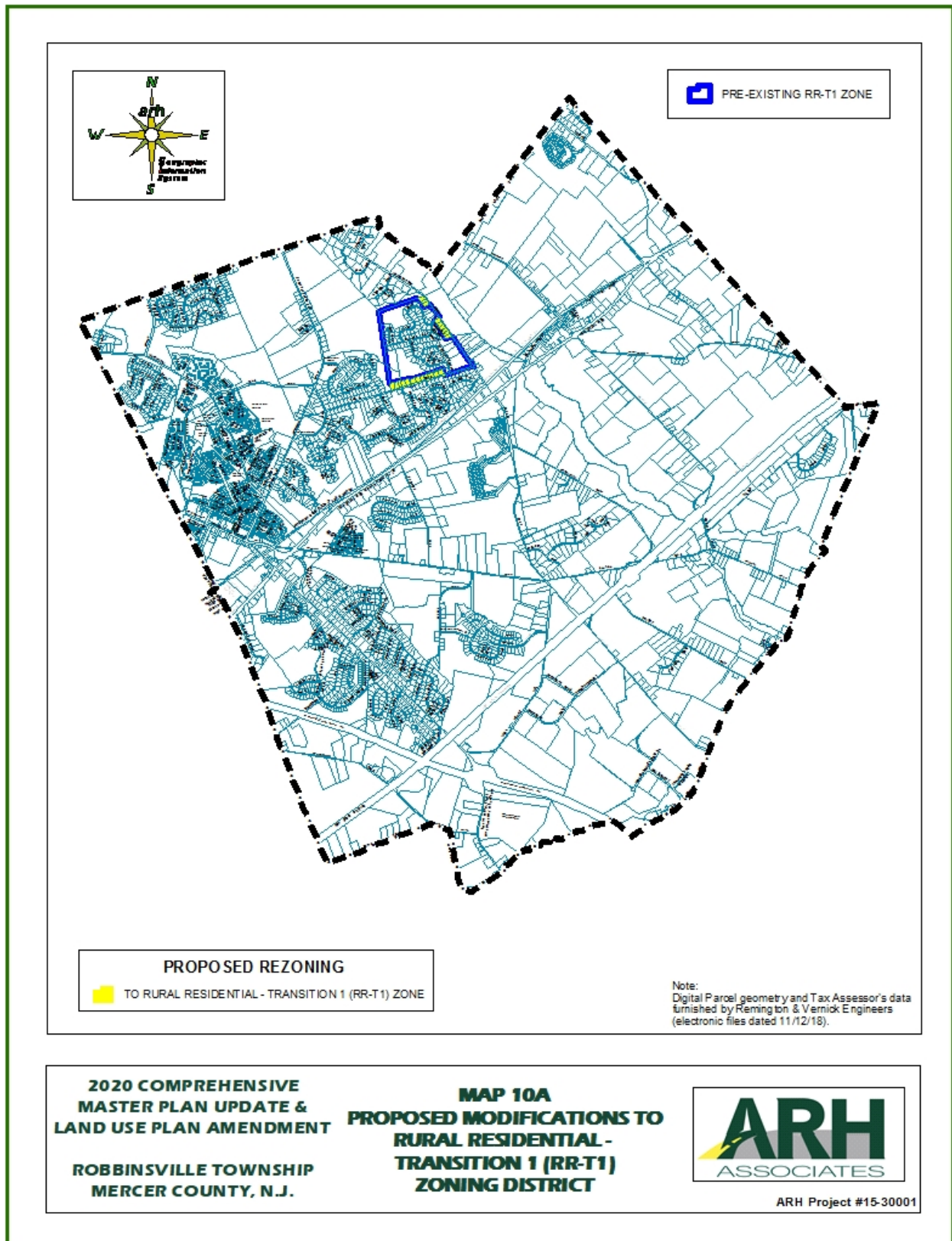
E. After an in-depth analysis of the land uses within the RR-T1 Zone, the following changes are recommended:

1. Explore the elimination of R1.5 Zoning from the lots fronting the Rural Residential Transition - 1 (RR-T1) Zone along Meadowbrook Road and Tindall Road and absorb these lands into the adjacent RR-T1 Zone.
2. Bring the Zone to the center line of the Meadowbrook and Tindall rights-of-way.

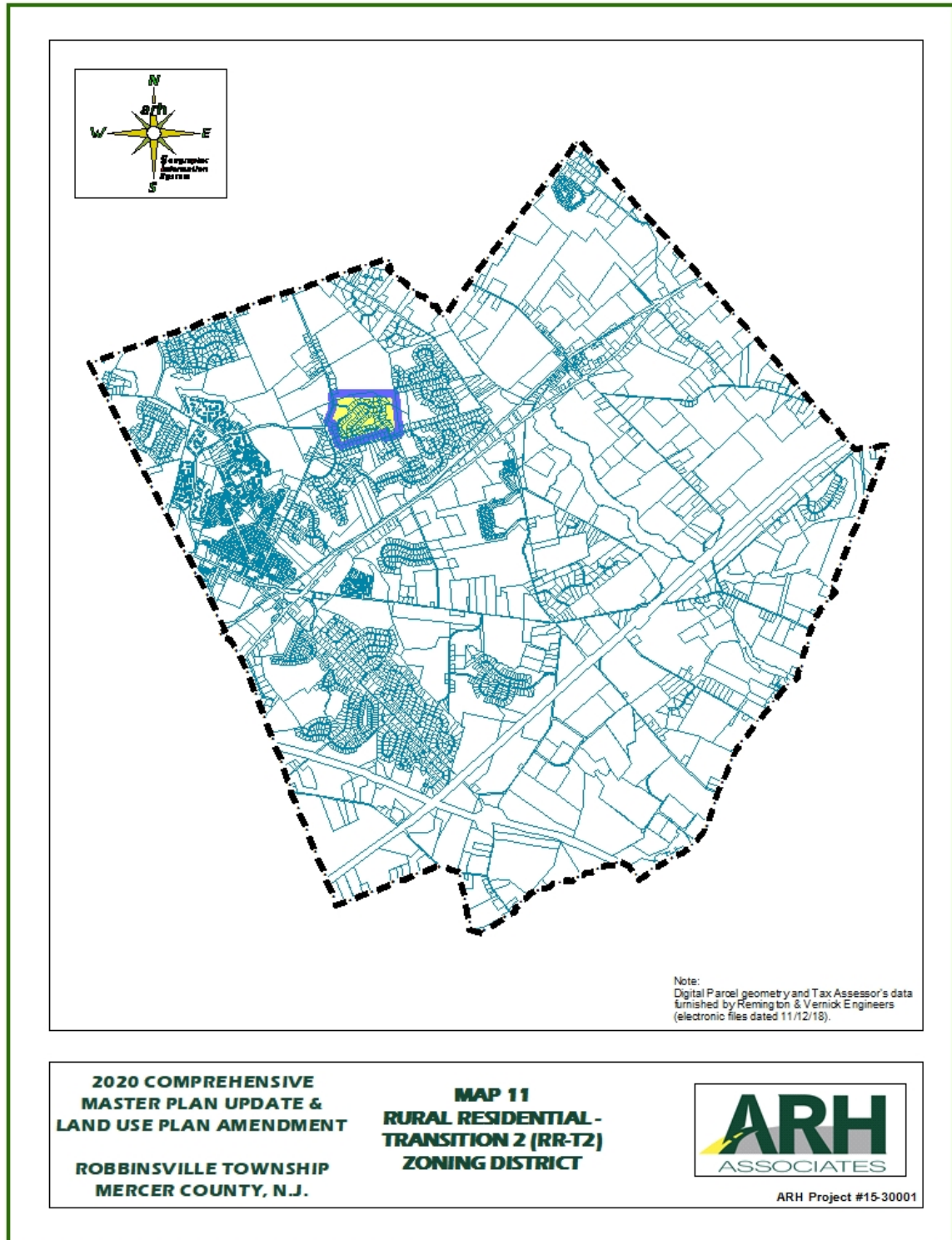
These recommendations are graphically depicted on Master Plan Update Map 10A.

F. Additional issues related to the Low Density Residential (R1.5) Zone are addressed in Master Plan Update §6.5.4 herein.

G. No additional changes are recommended for the RR-T1 Zoning District.



6.5.3 RURAL RESIDENTIAL – TRANSITION DISTRICT 2 (RR-T2)



- A. The RR-T2 Zone covers (approximately) 107 acres, equating to 0.8% of the Township.
- B. The RR-T2 Zone is governed by §142-14. The Preamble to the RR-T2 Zone (§142-14 A.) states:¹³³

The RR-T2... District is intended to permit conventional single-family development on 1-acre lots or optional single-family cluster development on a minimum of 20,000 s.f. lots, provided that public sewer and water service are available. In the event that public sewer and water cannot be provided, the district may be developed in accordance with the RR District standards.

- C. §142-14 B., C. and D. specify Permitted Principal, Accessory and Conditional Uses in the RR-T2 Zone.¹³³

Permitted Principal Uses

- *All principal Uses permitted in the RR District...*
- *Conventional detached single-family residential development...*
- *Residential Cluster Development of detached single-family dwellings...*

Permitted Accessory Uses

All accessory uses permitted in the RR District...

Permitted Conditional Uses

- *Nursery schools and day-care centers.*
- *Cemeteries.*

- D. Development regulations for the RR-T-2 Zone, including specific conditions and regulations for *3-Acre Lots*, *Conventional* development and *Residential Cluster* development are contained in the balance of §142-14.

Regulations specific to the Cluster Residential Option are contained in §142-14.

- E. After an in-depth analysis of the land uses within the RR-T2 Zone, the following changes are recommended:
1. Explore the elimination of R1.5 Zoning from the lots fronting the Rural Residential

¹³³ Truncated for brevity / clarity. Refer to §142-14 for the full body of applicable regulations.

Transition - 2 (RR-T2) Zone along Beechwood Road and Tindall Road and absorb these lands into the adjacent RR-T2 Zone.

2. Bring the Zone to the center line of the Beechwood and Tindall rights-of-way.

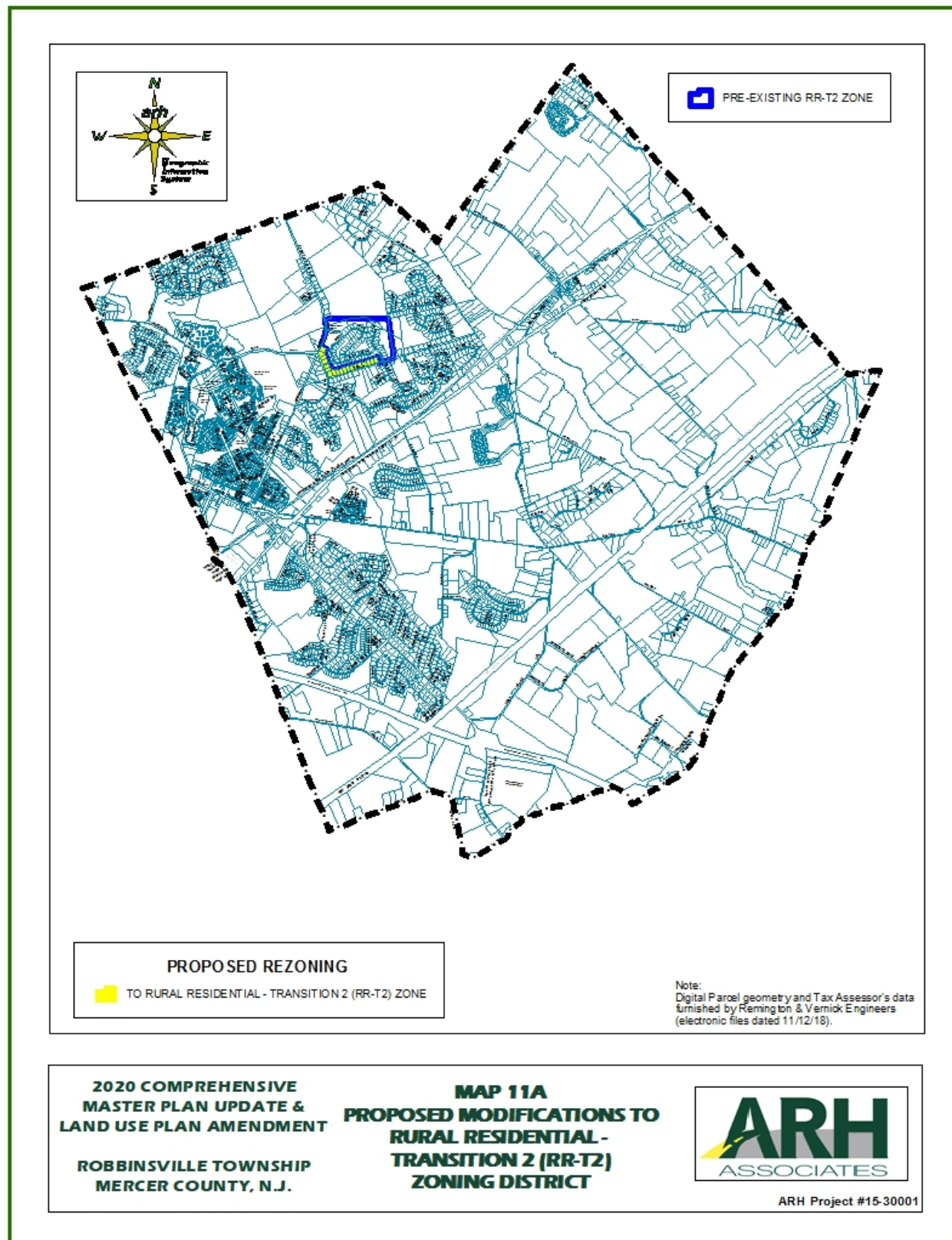
These recommendations are graphically depicted on Master Plan Update Map 11A.

3. While §142-14 E. provides that “*area and yard requirements [in the RR-T2 Zone] shall be the same as those set forth for the RR District*”, §142-14 K.(4). provides minimum development requirements that differ from the RR Zone. It is recommended that these requirements be reviewed, and the Ordinance revised as appropriate.
4. §142-14 K.(2). provides:

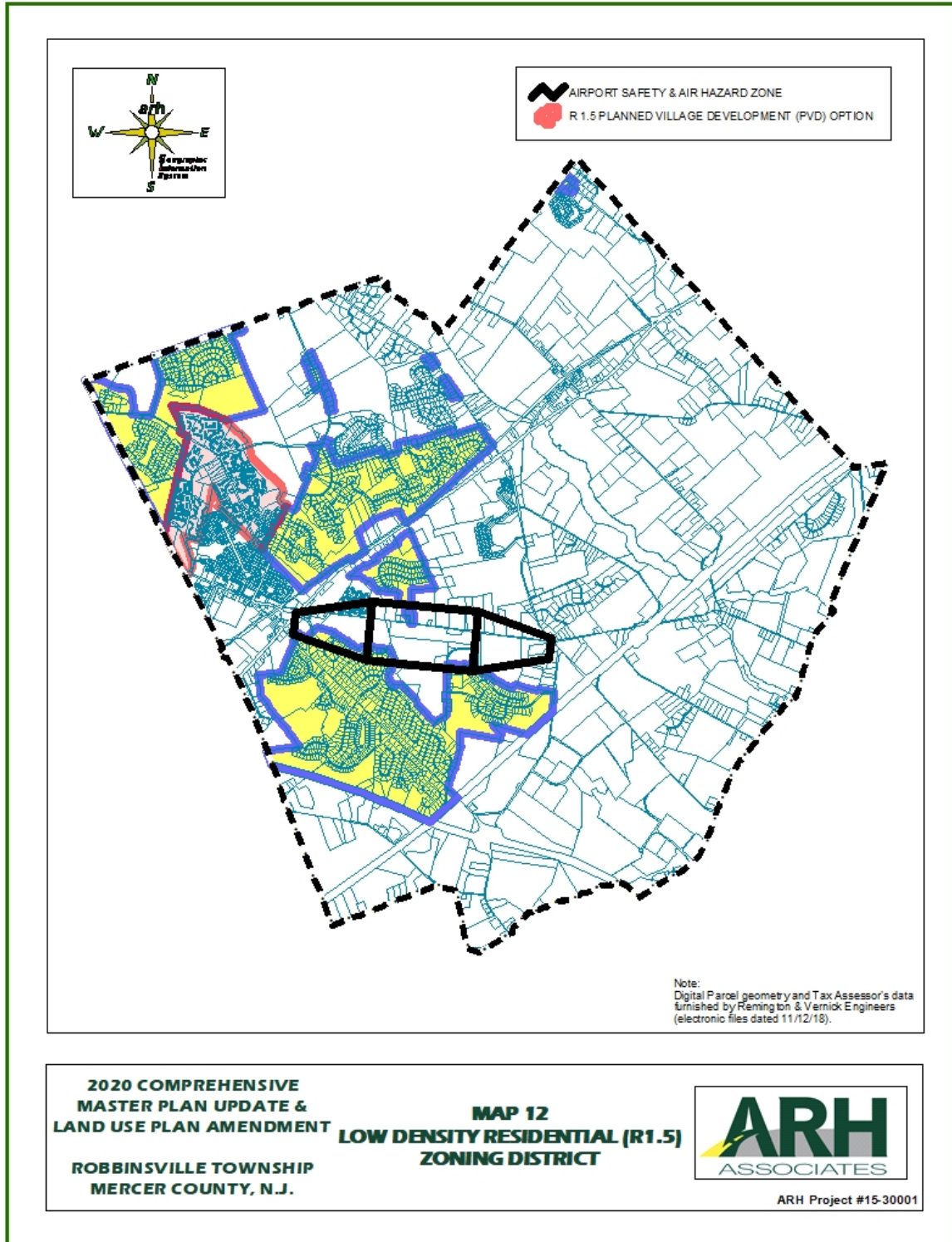
Where an application is made for a residential subdivision pursuant to Subsection K..., the developer shall be responsible for the cost of extending public water to the lots. If, at the time of application, public water is already available on the tract, the developer shall pay Robbinsville Township a sum equal to the reasonable cost of the installation and/or extension of the infrastructure for public water. [emphasis added]

Requiring an applicant to pay for the installation of public utilities already installed appears questionable at best. Requiring an applicant to pay the Township when Robbinsville is serviced by a private water utility is similarly questionable. It is recommended that these provisions be deleted.

- F. Additional issues related to the Low Density Residential (R1.5) Zone are addressed in Master Plan Update §6.4.5 herein.
- G. No additional changes are recommended for the RR-T2 Zoning District.



6.5.4 LOW DENSITY RESIDENTIAL (R1.5) ZONING DISTRICT



- A. The R1.5 Zone covers (approximately) 2,241 acres, equating to 17.1% of the Township.
- B. The R1.5 Zone is governed by §142-16. The Preamble to the R1.5 Zone (§142-16 A.) states:¹³⁴

[The R1.5] district is a transition to the medium-density zones from lower-density districts and recognizes, in part, the existing land use patterns and coordinates future land use with public sewer and water service. This zone requires that public water and sewer be utilized.

- C. In addition to conventional development, the R1.5 Zone provides for a Cluster Residential Option and a Planned Village Development (PVD) Option.

The Preamble for these Options (§142-16 J.) states that the purpose is:¹³⁴

- *To encourage innovation in design and reflect changes in land development technology.*
- *To provide for necessary commercial facilities and services.*
- *To provide for new higher-density housing.*
- *To recognize the existing approval for Foxmoor (Washington Square), including housing for low- and moderate-income households.*
- *To ensure compatibility among land uses.*
- *To encourage the highest quality urban design and architecture.*
- *To conserve the value of land.*
- *To encourage more efficient use of land, public services and facilities.*
- *To encourage better movement and transportation of people.*
- *To prevent strip commercial development.*
- *To encourage attractive and safe residential neighborhoods.*
- *To preserve the residential integrity of adjacent areas.*

- D. §142-16 B., C. and D. specify Permitted Principal, Accessory and Conditional Uses in the R1.5 Zone:¹³⁴

Permitted Principal Uses

- *Farms, as defined in §142-108L, provided that ... the farm shall provide a building for the shelter and care of [livestock] in accordance with §142-33D..., and all such livestock shall be contained within fenced areas.*

¹³⁴ Truncated for brevity / clarity. Refer to §142-16 for the full text.

- *Single-family detached dwelling units.*
- *Public playgrounds, conservation areas, parks and public-purpose areas.*
- *Public and parochial schools and colleges for academic instruction...*
- *Cluster Residential Development...*

Permitted Accessory Uses

- *Greenhouses....*
- *Landscape contracting, tree pruning services, firewood processing, wood mulches and sales of products grown on the site...*
- *Structures used for private and commercial horticultural, agricultural or forestry purposes, exclusive of greenhouses and stables.*
- *The keeping of... livestock in those areas classified as farms.*
- *The keeping of ... livestock,...*
- *Noncommercial dog kennels housing not more than 3 dogs...*
- *Private residential swimming pools and tennis courts.*
- *Fences and walls.*
- *Private residential toolsheds...; provided, however, that not more than one such toolshed per lot shall be... permitted....*
- *Campers, travel trailers, boats and other movable property, to be parked or stored in the rear yard only,... such vehicles shall not be used for temporary or permanent living quarters while situated on a lot.*
- *Off-street parking and private garages.*
- *Satellite antenna dishes shall be permitted in the side or rear yard only, within the side and rear setbacks, and shall not be mounted on the structure, but shall be permanently located on the ground.*
- *Home occupations.*
- *Amateur radio antennas and antenna support structure ...*

Permitted Conditional Uses

House of Worship.

E. §142-16 J. (2) and (3) specify Permitted Principal and Accessory Uses for a Cluster Residential Option and a Planned Village Development (PVD) Option in the R1.5 Zone:¹³⁵

Permitted Principal Uses

- *Single-family detached dwellings, including zero lot line dwellings, on small lots. Single-family semidetached dwellings, such as patio homes and duplexes, on small lots.*
- *Multifamily residential structures and townhouses including and encouraging a variety of housing types and styles.*

¹³⁵ Truncated for brevity / clarity. Refer to §142-16 for the full text.

- *Commercial uses permitted in the TC Town Center Zone and in compliance with the design standards and bulk regulations of that zone, except that freestanding signs for shopping centers are permitted in accordance with §142-48C(8).*
- *Public and quasi-public uses, including public schools, churches, firehouses, first-aid stations, nursing homes and day-care centers.*
- *Any business manufacturing alcoholic beverages under the authorization of the state-issued "limited brewery" license as defined by N.J.S.A. 33:1-10.*

Permitted Accessory Uses

- *Playgrounds.*
- *Conservation areas.*
- *Parks and public purpose uses.*
- *Tennis courts.*
- *Public swimming pools.*
- *Off-street parking.*
- *Fences.*
- *Garages to house delivery trucks or other commercial vehicles.*
- *Detached garages and other customary accessory buildings or structures with single-family detached and semidetached dwellings on small lots.*

F. Development regulations for the R1.5 Zone, including specific conditions and regulations for the *Planned Village Development (PVD) Option* are contained in the balance of §142-16.

Regulations specific to the Cluster Residential Option are contained in §142-16 and §142-31.

§142-16 J.(1)(b) provides that “*this option shall be permitted only in the areas of R1.5 District designated on the Zoning Map*”, suggesting that the Option is an overlay to the R1.5 Zone. However, the Zoning Map depicts the Option area as a discrete Zone. For consistency purposes, this Master Plan Update recommends that the map be revised to reflect the PVD Option areas as a new, discrete “R1.5 PVD” Zone, with the specific regulations under the PVD Option being established in a new section of Chapter 142.

G. After an in-depth analysis of the land uses within the R1.5 Zone, the following changes are recommended:

1. Consistent with the recommendation contained in §6.5.1 herein to modify the RR Zone along the Township's northern boundary on either side of CR 526 to Conservation (CONS), it is recommended that the portion of the R1.5 Zone along Line Road east of Windflower Court similarly be modified to CONS.
2. The recommendation contained in §6.5.1 herein to modify the RR Zone west of CR 526 and north of Buckley Lane to Low Density Residential (R1.5) is reaffirmed.
3. The recommendations contained in §6.5.2 herein to explore the elimination of R1.5 Zoning from the lots fronting the Rural Residential Transition - 1 (RR-T1) Zone along Meadowbrook Road and Tindall Road and absorb these lands into the adjacent RR-T1 Zone is reaffirmed.
4. The recommendations contained in §6.5.3 herein to explore the elimination of R1.5 Zoning from the lots fronting the Rural Residential Transition - 2 (RR-T2) Zone along Beechwood Drive and Tindall Road and absorb these lands into the adjacent RR-T2 Zone is reaffirmed.
5. Certain lands within the R1.5 Zone fall within the Air Safety and Air Hazard (AS) Zone. For the reasons detailed in §6.5.1 F.5. herein, it is recommended that R1.5 Zoning be eliminated from the lands under the AS Zone.¹³⁶
6. Foxmoor Shopping Center
 - a. In or about 1984, the Planning Board granted Preliminary and final Major Site Plan approval for the development that eventually became the Foxmoor Shopping Center. At that time the lands under the Shopping Center were zoned NC (presumably Neighborhood Commercial. At some point between 1984 and 1987, the Shopping Center was included in lands rezoned to R1.5 Planned Village Development (PVD) Option.

¹³⁶ Issues related to the AS Zone are addressed in §6.5.21 of this Master Plan Update.

While the Township has been unable to locate information regarding specific permitted uses or bulk standards for the NC Zone, it has been discovered that the R1.5 (Low-Density Residential) Zoning did not permit commercial uses in the Zone at least between 2000 and 2008. While there was a Cluster Residential Option at that time, such option similarly did not permit commercial uses. The Shopping Center was therefore made a pre-existing nonconforming use.

- b. At Publication of this Master Plan Update, the Shopping Center was located in the Township's Low-Density Residential (R1.5) Zoning District, which is governed by §142-16. Shopping Centers are not listed among the Permitted or Conditional Uses in the R1.5 Zone.
- c. Within the R1.5 Zone is what is termed a "*Cluster Residential Option*" as a "*Planned Village Development Option*" (PVD Option), which is governed by §142-16 J.

While §142-16 J. permits "*commercial uses permitted in the TC Town Center Zone*" and other non-residential uses, such uses must be part of a Cluster Residential (PVD) Option. Since the original Shopping Center was approved under NC Zoning, it cannot be considered part of the PVD. This provision therefore does not apply.¹³⁷

- d. Under N.J.S.A. 40A:55D-68 (Nonconforming Structures & Uses), "*any nonconforming use or structure existing at the time of the passage of an ordinance may be continued upon the lot or in the structure so occupied...*". Further:

The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming. The applicant shall have the burden

¹³⁷ How the PVD Option was applied under the prior approvals is beyond the scope of this Master Plan Update.



of proof. Application pursuant hereto may be made to the Administrative Officer within 1 year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the Board of Adjustment.

The Township has been unable to conclusively determine that Shopping Centers were lawfully permitted under NC (or subsequent) Zoning, and the specific non-residential uses once permitted in the NC Zone are undetermined. A Certificate of Nonconformity cannot therefore be issued.

Similarly, the bulk standards for the NC Zone (i.e., under which the Shopping Center was originally constructed) are unknown, and the bulk standards for the R1.5 Zone are designed for detached dwellings.¹³⁸

- e. In February 2020, an application was made to the Zoning Board which raised these issues. The solution crafted was that the Board granted a 'd-1' Variance for the Shopping Center as a whole, and provided a list of typical uses under which the Shopping Center could operate without Variance relief.

While this solution addresses the Shopping Center as a use, any expansion of the uses or structure(s) still require 'd-2' relief (for an expansion of a non-conforming use).

- f. Reference §6.5.24 herein for the Township's Redevelopment efforts for the Foxmoor Shopping Center.
- g. Based on the totality of the foregoing, it is recommended that the Foxmoor Shopping Center be removed from the R1.5 Zone and be reclassified as "(SC) Shopping Center" or similar zoning, with use and bulk requirements appropriate to the existing conditions on this property.

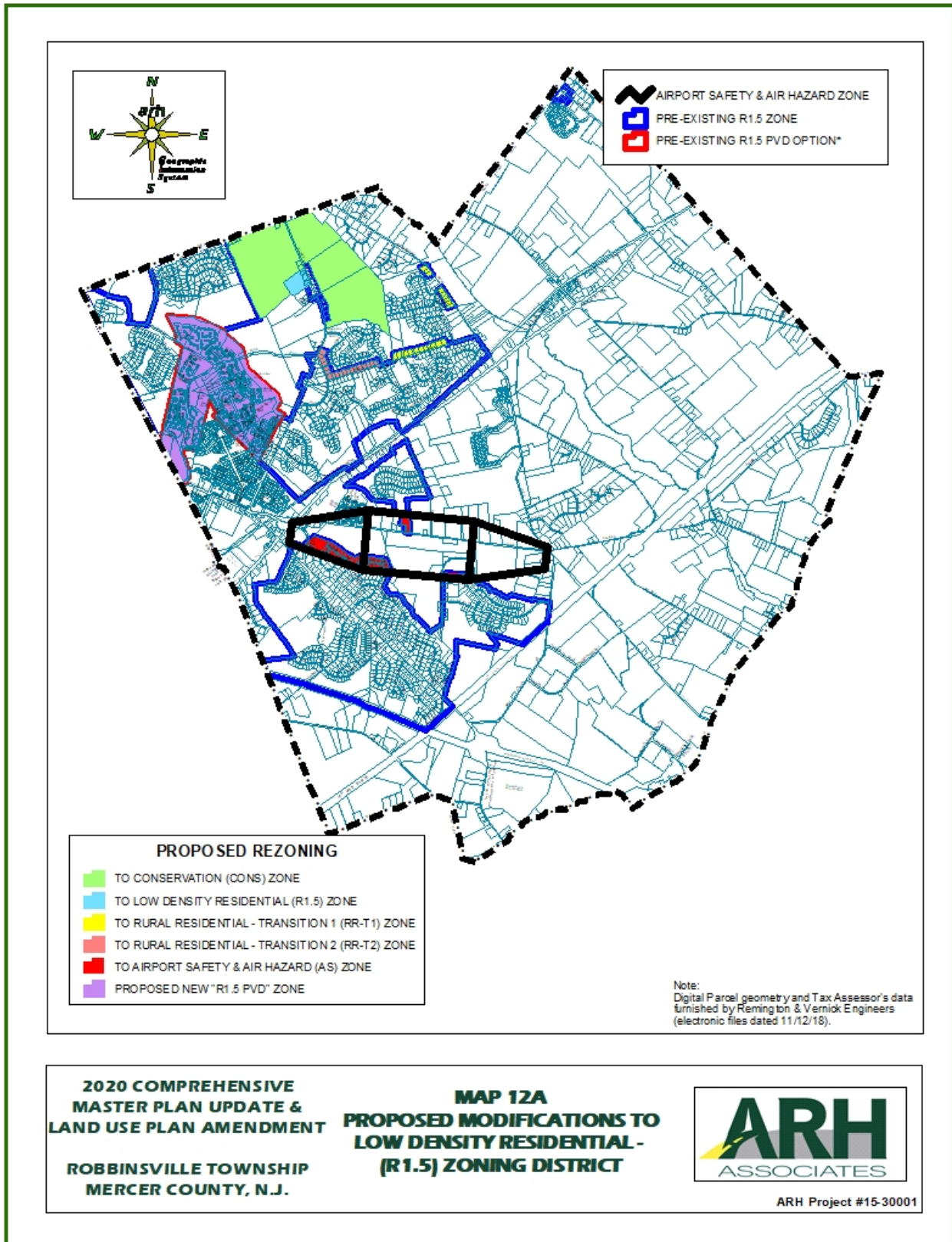
These recommendations are graphically depicted on Master Plan Update Map 12A.

¹³⁸ For example, the Maximum Lot Area for Principal Buildings in the R1.5 Cluster is 20,000 s.f. (far below the Shopping Center's lot size).

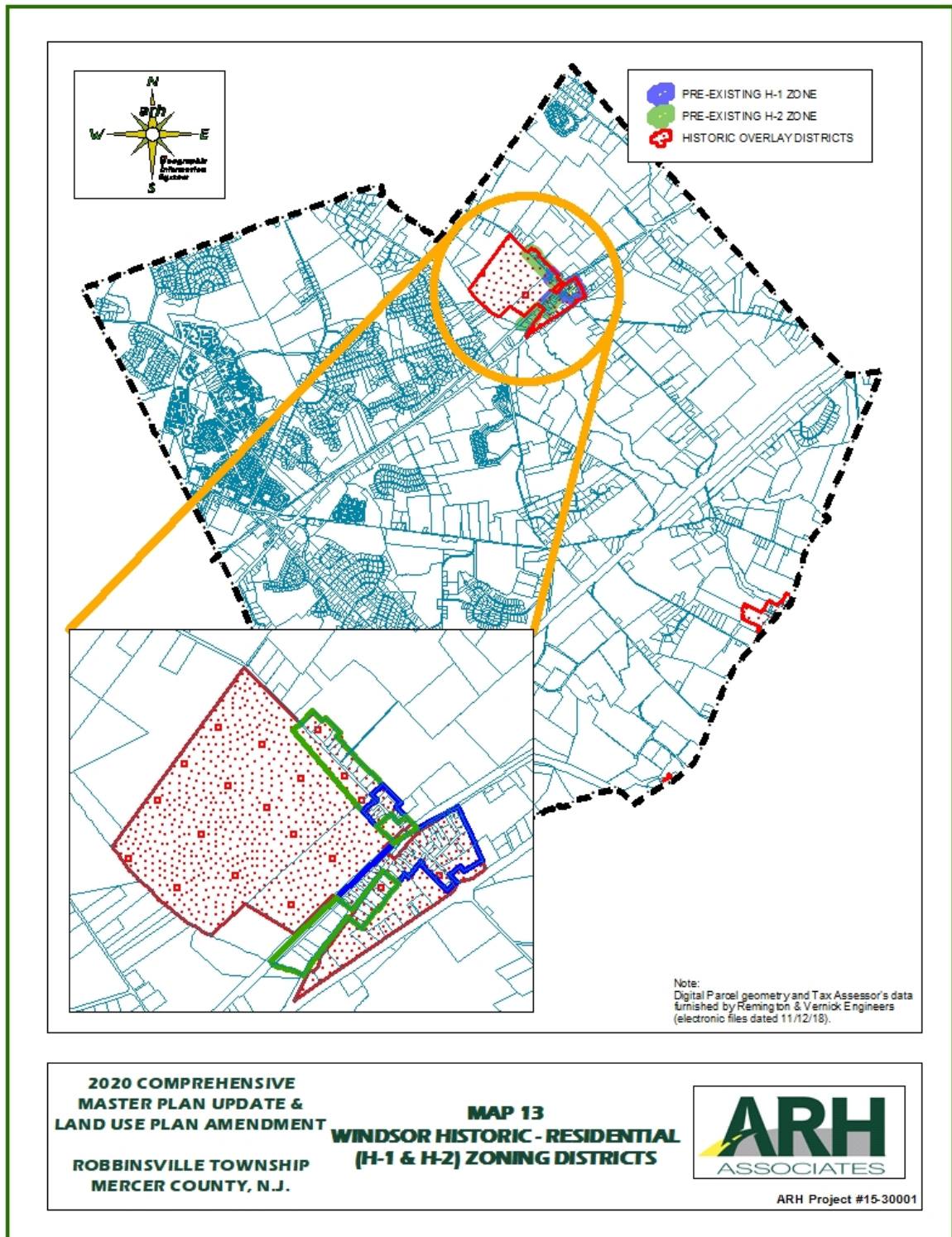


- H. §142-16 J. (2) permits “Any business manufacturing alcoholic beverages under the authorization of the state-issued “limited brewery” license as defined by N.J.S.A. 33:1-10.”¹³⁹ It is recommended that this use be extended to other appropriate commercial Zones in the Township.
- I. No additional changes are recommended for the R1.5 Zoning District.

¹³⁹ N.J.S.A. 33:1-10 permits the Division of Alcoholic Beverage Control to issue a “limited brewery license,” which permits breweries to brew and sell malt alcoholic beverages in limited quantities (i.e. microbreweries). The holder of a limited brewery license is authorized to sell malt alcoholic beverages at retail to consumers on the licensed premises in connection with a tour of the brewery.



6.5.5 WINDSOR HISTORIC - RESIDENTIAL (H-1) AND WINDSOR HISTORIC - RESIDENTIAL (H-2) ZONING DISTRICTS





- A. The H-1 Zone covers (approximately) 21.75 acres, while the H-2 Zone covered (approximately) 25.75 acres; each equating to 0.2% of the Township.
- B. The H-1 and H-2 Zones are governed by §142-17. §142-17 A. states the Purpose of the Zones are to:¹⁴⁰

...maintain the historic character of the Village of Windsor through the preservation of existing historic buildings and to provide for new residential development consistent with the historic character of the Village.

- C. §142-17 B. identifies specific blocks and lots that “contain key or contributing historic structures as identified on the Windsor Historic District Map on file with the New Jersey Register of Historic Places”. Specifically:
- Block 10, Lots 32 - 37, 39 - 42, 45, 48 - 53 and 55.
 - Block 11, Lots 3 - 5, 7 - 10, 12, 14 - 15, 30 - 31 and 33 - 36.
 - Block 12, Lots 1 and 3 - 10.
 - Block 13, Lots 1 - 4, 21, 23, 25 - 26 and 28.
 - Block 14, Lots 2 - 8, 10, 14 - 15, 52 and 70.
- D. §142-17 C., D. and E. specify Permitted Principal, Accessory and Conditional Uses in the H-1 and H-2 Zones:¹⁴⁰

Permitted Principal Uses

- *Single-family detached dwelling units.*
- *Public parks, conservation area and public purpose use areas.*
- *Schools, public.*

Permitted Accessory Uses

- *Private garages and toolsheds.*
- *Fences.*
- *Home occupation.*

Permitted Conditional Uses

Cemeteries.

¹⁴⁰ Truncated for brevity / clarity. Refer to §142-17 for the full text.



- E. Development regulations for the H-1 and H-2 Zones are contained in the balance of §142-17 and Appendix A., Schedule C. thereto.
- F. As detailed on the inset to Master Plan Update Map 16, one of the Township's Historic Overlay (H-O) Zones extends into the H-1 and H-2 Zoning Districts in the vicinity of North Main Street and Church Street (Master Plan Update Map 16A).

The Overlay is governed by §142-30.1, which, in pertinent part, establishes a Historic Preservation Subcommittee and permits such entity, if requested by the Planning Board or Zoning Board, to *“advise on applications for development, including new construction or replacements, alterations, and/or additions, within the designated Historic Overlay Zone.”*

With the exception of requiring cluster development in the portion of the RR Zone subject to the Overlay, the jurisdiction of the Overlay appears limited to building design and materials, and ensuring that architecture maintains proportions and rhythms consistent with the historic character of the area. Accordingly, the Overlay does not appear to impact the H-1 or H-2 Zones from a Land Use perspective.

- G. After an in-depth analysis of the land uses within the H-1 and H-2 Zones, the following changes are recommended:

At Publication of this Master Plan Update, the H-2 Zone west of North Main Street and north of the Railroad right-of-way extended across Edinburg Windsor Road [CR 641] to include the lot frontage of the property across that street. The balance of the Lot was zoned Rural Residential (RR).

§6.5.1 herein included a recommendation to modify the RR Zone west of Edinburg Windsor Road [CR 641] and north of the Railroad right-of-way to Conservation (CONS).¹⁴¹

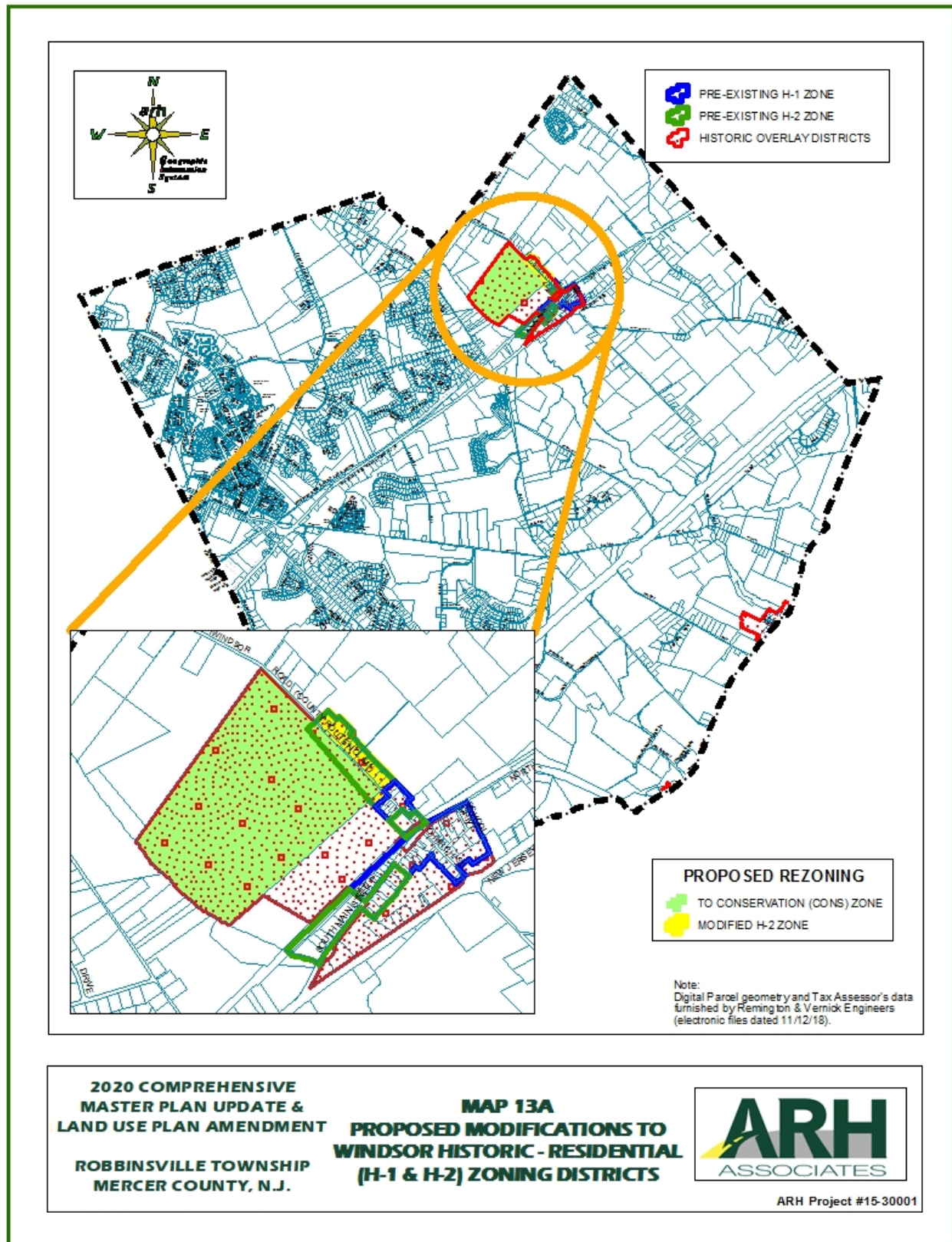
Consistent with this recommendation, it is recommended that the H-2 Zone opposite this new CONS Zone be reduced to the centerline of the Edinburg Windsor right-of-way.

¹⁴¹ The existing Historic Overlay zoning would remain unaffected.

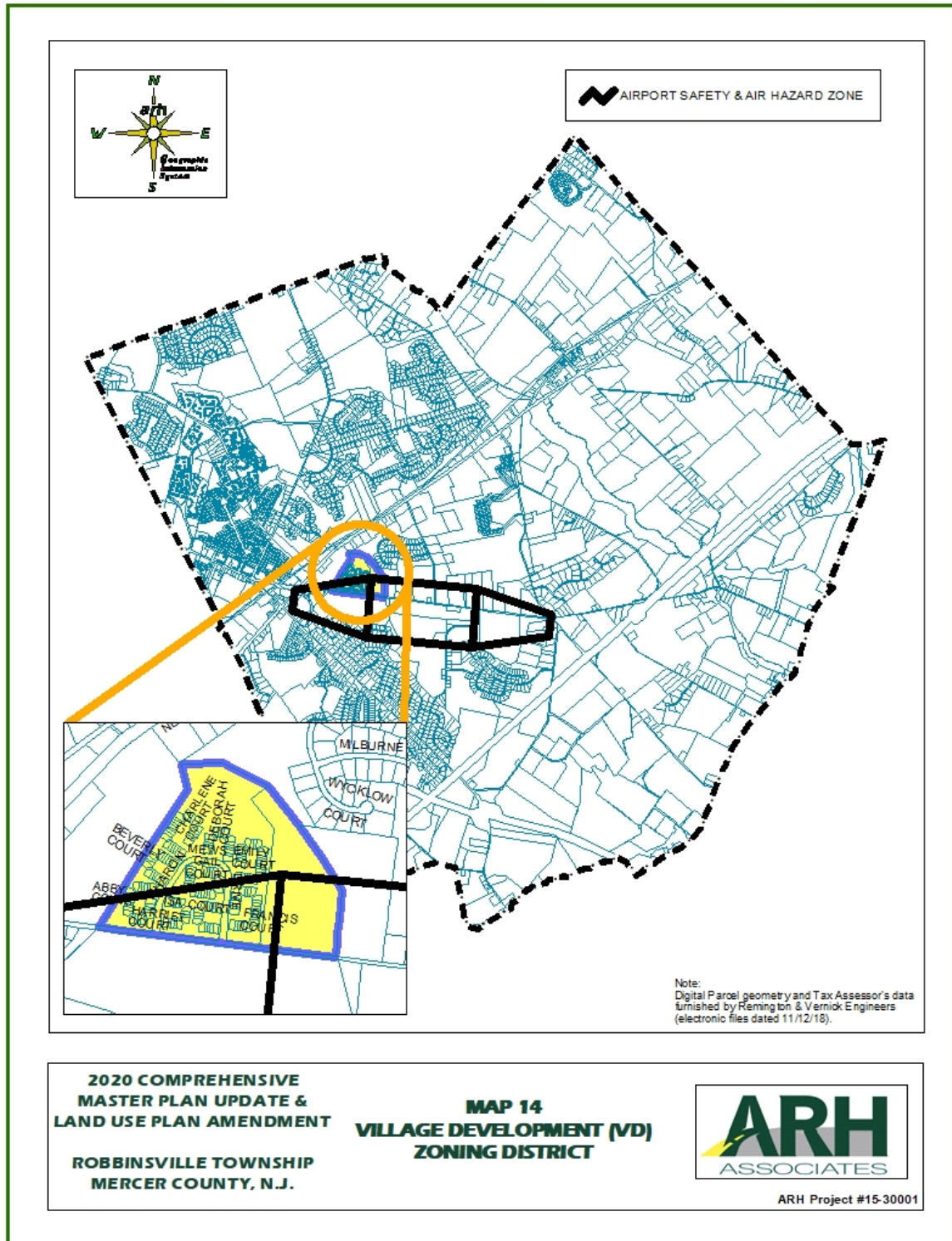


This recommendation is graphically depicted on Master Plan Update Map 13A.

H. No additional changes are recommended for the H-1 or H-2 Zoning Districts.



6.5.6 VILLAGE DEVELOPMENT (VD) ZONING DISTRICT





- A. The VD Zone covers (approximately) 53.6 acres, equating to 0.4% of the Township.
- B. The VD Zone is governed by §142-18. The Preamble to the VD Zone (§142-18 A.) states:¹⁴²

The [VD] Zone is established to recognize two existing developments which were granted use variances, one for apartments and the second for townhouses.

While this information may be of historical interest, it is of no substantive value for Ordinance purposes. It is therefore recommended that the text be deleted from Chapter 42.

- C. §142-18 B. and C. specify Permitted Principal and Accessory Uses in the VD Zone.¹⁴²

Permitted Principal Uses

Multifamily residential structures and townhouses.

Permitted Accessory Uses

- *Private residential swimming pools and tennis courts.*
- *Fences.*
- *Sheds.*

- D. Development regulations for the VD Zone are contained in the balance of §142-18.
- E. After an in-depth analysis of the land uses within the VD Zone, the following changes are recommended:
1. Certain lands within the VD Zone fall within the Air Safety and Air Hazard (AS) Zone. For the reasons detailed in §6.5.1 F.5. herein, it is recommended that VD Zoning be eliminated from the lands under the AS Zone.¹⁴³
 2. With the exception of open space that appears to be intended for stormwater management, the Village Development Zone is fully built-out. Rather than

¹⁴² Truncated for brevity / clarity. Refer to §142-18 for the full text.

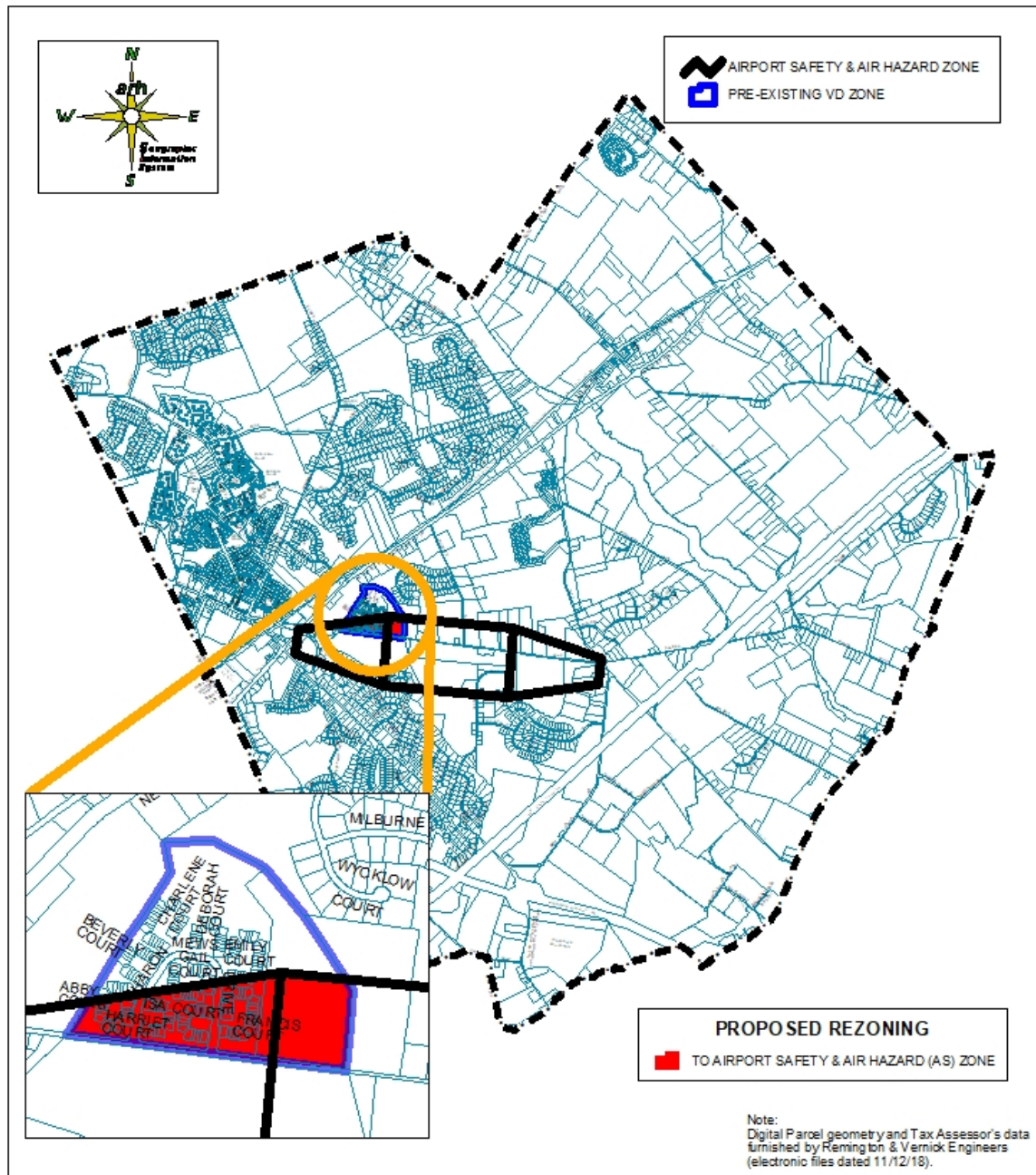
¹⁴³ Issues related to the AS Zone are addressed in §6.5.21 of this Master Plan Update.



signaling the intent to attract development by its current name, this Master Plan Update recommends changing the name of the Zone to Village Residential (VR).

These recommendations are graphically depicted on Master Plan Update Map 14A.

- F. No additional changes are recommended for the VD (proposed to be renamed VR) Zoning District.



2020 COMPREHENSIVE
MASTER PLAN UPDATE &
LAND USE PLAN AMENDMENT

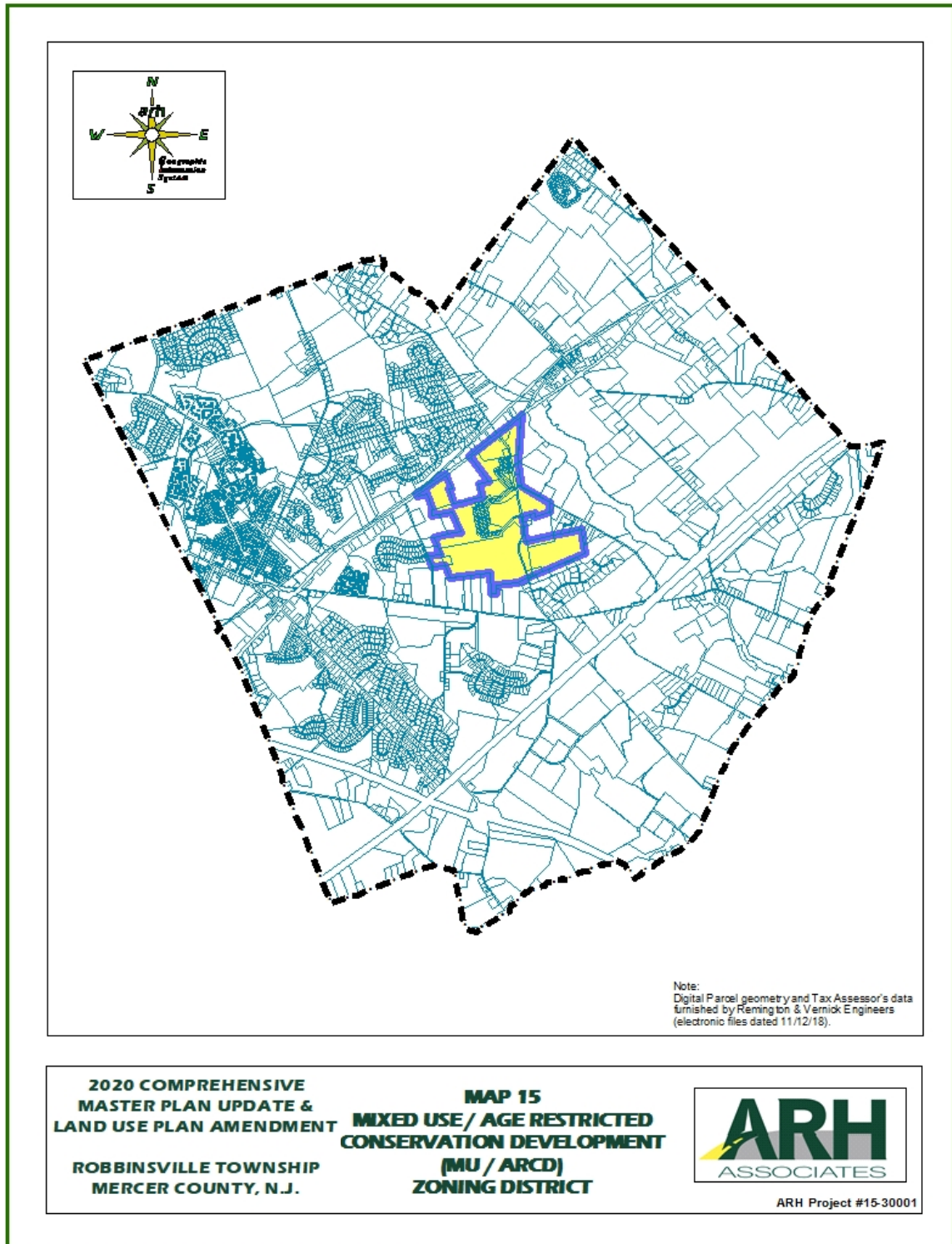
ROBBINSVILLE TOWNSHIP
MERCER COUNTY, N.J.

MAP 14A
PROPOSED MODIFICATIONS TO
[FORMER] VILLAGE DEVELOPMENT (VD)
[RENAMED VILLAGE RESIDENTIAL (VR)]
ZONING DISTRICT



ARH Project #15-30001

6.5.7 MIXED USE / AGE RESTRICTED CONSERVATION DEVELOPMENT (MU / ARCD) ZONING DISTRICT



- A. The MU / ARCD Zone covers (approximately) 442.5 acres, equating to 3.4% of the Township.
- B. The MU / ARCD Zone is governed by §142-20.1. The Preamble to the MU / ARCD Zone (§142-20.1 A.) states:¹⁴⁴

It is the intent and purpose of this [Zone to]... provide a mixed-use development of various types of age-restricted housing or assisted and/or communal living facilities integrated with non-age-restricted units, combined with appropriate intensities of commercial and other nonresidential uses, to create a "blended," more organic community on one or more sites in proper locations... This District shall permit the development of a mixed-use commercial node and a residential hamlet or village containing a variety of unit types using a neo-traditional compact neighborhood design that will preserve existing agricultural fields and forests and promote pedestrian-oriented shopping within a mixed-use commercial and office area so as to promote the following:

- *Provide the opportunity for creation of age-restricted housing in the Township to enable municipal residents and others to age in place within the existing community.*
- *Protect the rural character, rural quality of life, and cultural heritage of the community by channeling new development in Hamlets and Villages.*
- *The street patterns of new Hamlets and Villages should include several connections to the Township road system and permit easy walking to Township facilities. "Gated-type" communities and their prominent signs should be discouraged.*
- *Provide a lifestyle community with active and passive recreation facilities suited to older citizens and community residents.*
- *Permit flexibility of design, site layout, and development to promote superior land planning design, greater economy, efficiency and convenience in the arrangement of land uses and their supporting infrastructure, while preserving and protecting open space, farmland, floodplains, and natural and scenic features.*
- *Encourage orderly and well-planned development at a scale and location so that it is feasible to construct a comprehensive package of supporting utilities, services and facilities, active and passive recreation facilities, stormwater management system and associated infrastructure. The proposed development shall either provide a private water, sanitary, and stormwater system or be incorporated into an existing public system.*

¹⁴⁴ Truncated for brevity / clarity. Refer to §142-20.1 for the full text.

- *Encourage orderly development of sites with sufficient frontage on major collectors or state or county highways to provide safe, efficient access and traffic circulation, and require orderly internal traffic and pedestrian circulation.*
- *Promote a development pattern in harmony with the objectives of the Township Master Plan.*
- *Maximize the preservation of slopes over 20%, wetlands, flood-prone areas, historic structures or areas, useful contiguous farmland, unique natural or geographic formations, rare vegetation or habitats of endangered wildlife, lakes, ponds and water bodies.*

C. §142-20.1 C. and D. specify Permitted Principal, Accessory and Conditional Uses in the MU / ARCD Zone.¹⁴⁴

Permitted Principal Uses

- *Age-Restricted Single-Family Dwelling Units shall be in detached, semidetached (duplex), and attached (townhouse) structures and shall constitute a minimum of 80% of the total residential units and a maximum of 150 units on the site, exclusive of Age-Restricted / Non-Age Restricted Multifamily Dwelling Units, Continuing Care Retirement Community or Congregate and Communal Elderly Housing, Assisted Living, Nursing Home Units and Obligatory Affordable Housing Units. Location and type of Age-Restricted Single-Family Dwelling Units shall be predetermined by the developer during the approval process.*
- *All single-family dwelling units that are not age restricted shall be in detached, semidetached or attached (townhouse) structures and shall constitute a maximum of 20% of the total number of residential units and shall not exceed a maximum of 30 units, exclusive of Age-Restricted / Non-Age-Restricted Multifamily Dwelling Units, Continuing Care Retirement Community, Congregate and Communal Elderly Housing, Assisted Living, Nursing Home Units and Obligatory Affordable Housing Units. Location and type of Non-Age-Restricted Single-Family Dwelling Units shall be predetermined by the developer during the subdivision approval process.*
- *Age-Restricted / Non-Age-Restricted Dwelling Units in multifamily buildings provided that the number of such units does not exceed 24 units, exclusive of Continuing Care Retirement Community, Congregate and Communal Elderly Housing, Assisted Living, Nursing Home Units and Obligatory Affordable Housing Units. The Township Council and Board of jurisdiction may permit an increase in the allowable density of multifamily dwelling units to accommodate the inclusion of additional low- and moderate-income housing units pursuant to §142-20.1E(2).*

- *Housing for persons 62 years of age or older which provides various levels of residential accommodations and care and may include residential, assisted living and nursing home accommodations. Such housing or residences could provide various levels of support services including such things as meals, transportation, maintenance, housekeeping, activities, fitness center, entertainment, chaplain, emergency response, utilities and home health care. The facility can, but need not, include a mix of market rate, Section 8 HUD subsidized housing, COAH, assisted living and nursing home units. All Continuing Care Retirement Community (CCRC) Units or Congregate and Communal Elderly Housing Facilities (CCEHF) shall be in multifamily structures provided that the total number of CCRC and CCEHF residential units shall not exceed a maximum of 200 units, exclusive of assisted living or nursing home beds and obligatory affordable housing units. The total number of assisted living or nursing home beds associated with a CCRC or CCEH shall not exceed 200.*
- *The following as-of-right commercial uses are permitted in... mixed-use buildings provided that any retail or service uses are limited to the ground floor.*
 - *Supermarkets.*
 - *Apparel and Accessory Stores.*
 - *Furniture and Home Furnishing Stores.*
 - *Drug Stores, Proprietary Stores and Convenience Stores.*
 - *Miscellaneous Shopping Goods Stores, except Adult Book Stores.*
 - *Commercial and Savings Banks.*
 - *Photocopying and Duplicating Services.*
 - *Auto-and Home-Supply Stores.*
 - *Reupholstery and Furniture Repair.*
 - *Animal Specialty Services, except Boarding Kennels.*
 - *Barber Shops and Beauty Salons, except Beauty Culture and Cosmetology Schools.*
 - *Advertising Agencies.*
 - *Computer and Data Processing Services.*
 - *Offices and Clinics of Medical Doctors.*
 - *Legal Services.*
 - *Engineering, Accounting, Research, Management, and Related Services, except Facilities Support Management Services.*
 - *Insurance Agents, Brokers and Services.*
 - *Real Estate Agents and Managers, except Real Estate Auctions and Time-Sharing Real Estate.*
 - *Commercial Art and Graphic Design.*
 - *Programming, Computer Data Processing and Other Computer-Related Services.*
 - *Eating Places limited to Restaurants.*

- *Offices may be permitted on the 1st, 2nd and 3rd stories of mixed-use buildings, with the exception that such uses shall not be permitted on the same floor as a residential use. Alternatively, mixed-use buildings may include residential units on the 2nd and 3rd stories above commercial or office uses, with the exception that residential uses shall not be permitted on the same floor as office or commercial space.*
- *Farmettes or homesteads...*
- *Any common open space areas proposed to be held by a Homeowners' Association or lands proposed to be held in conservation easements...*
- *Public, quasi-public or private recreational parks, such as a community pool, community center and sports-related facility (e.g. Y.M.C.A.) ...*
- *Agricultural activities may be permitted on the portions of the land to be preserved through dedication or conservation easements... Agricultural uses are limited to farming, crop production and landscape stock production. Buildings for industrial agriculture shall be prohibited.*
- *Assisted living residences or nursing home facilities provided any such uses are located on entirely self-contained sections or parcels or associated with a continuing care retirement community or congregate and communal elderly housing development and adequate parking and open space are provided on site.*
- *Public, quasi-public or private recreational parks, such as a community pool, community center and sports-related facility.*

Permitted Accessory Uses

- *Indoor or outdoor recreation centers and/or clubhouses,... within the specified common open spaces to satisfy the needs of the residential population and visitors within the development. At a minimum, the proposed development shall provide common indoor and/or outdoor recreational and cultural facilities for the use of the residents of the development and their guests.*
- *Attached or detached private garages, carports and off-street parking.*
- *Patios and Decks.*
- *Fences and Walls.*
- *Home Occupations and Home Offices.*
- *Pools and Spas.*
- *Temporary Sales and Construction Trailers.*
- *Signs.*

Permitted Conditional Uses

Service stations with or without convenience center or minimart shall be permitted as conditional uses...

- D. Development regulations for the MU / ARCD Zone, including density requirements, General Development Plan provisions and provisions for Nonconforming Lots, are contained in the balance of §142-20.1.
- E. After an in-depth analysis of the land uses within the MU / ARCD Zone, the following changes are recommended:
1. §142-20.1 B. specifies the Blocks and Lots for the MU / ARCD Zone as:
 - Block 21, Lots 23, 24 and 27;
 - Block 22, Lots 1, 11, 12, 13, 14, 22 and 23; and
 - Block 26, Lots 3, 4, 6, 7, 8, 9, 10, 11, 12, 23, 24, 25, 26, 27, 29 and 31.

The designations reflected the Block and Lot geometry in existence at the time §142-20.1 B. was adopted. A subsequent subdivision divided these properties into some 14 Blocks and 174 Lots, which are reflected on the G.I.S. Parcel (Map) Layer¹⁴⁵ utilized for this Master Plan Update. As a result, §142-20.1 B. is inconsistent with the Township's Tax Maps.

It is therefore recommended that the Block and Lot designations be eliminated from the text of the Ordinance and that the Zoning Map govern the geometry of the District.

2. §142-20.1 B. provides that “***The Township Council and Board of jurisdiction may permit an increase in the allowable density***” for Age-Restricted / Non-Age-Restricted Dwelling Units in multifamily buildings “*to accommodate the inclusion of additional low-and moderate-income housing units pursuant to §142-20.1E(2)*”.

While this Master Plan Update does not propose eliminating the ability to permit increases in density for affordable housing purposes, such changes are appropriately the jurisdiction of the Zoning Board of Adjustment under N.J.S.A. 40:55D-70(d)(5). Accordingly, it is recommended that §142-20.1 B. be revised to eliminate “*Township Council and*” from the text.

¹⁴⁵ §6.4.3 herein

3. The 2000 Master Plan included a recommendation to create what became the MU / ARCD Zone in order to provide for housing for a growing municipal population and places where people of all ages could live. The MU / ARCD Zone and its companion regulations were adapted in 2005 (via Ordinance No. 2005-31).

Since that time, the Zone was developed with approximately 188 dwelling units, with additional lands being reserved for affordable housing. Significantly, in excess of 140 acres of open space has been set aside for preservation.

Likely (at least in part) as a result of the Great Recession of 2008 and its continuing impacts, the non-residential and mixed-use elements envisioned for the MU / ARCD Zone have not materialized. Market research related to other projects in the Township has revealed insufficient demand for a supermarket, continuing care retirement and/or assisted living facilities in this section of Robbinsville.

Accordingly, this Master Plan Update recommends the following modifications to §142-20.1 in order to increase the marketability of the remaining, undeveloped lands within the MU / ARCD Zone:

- a. Amend the Preamble to the MU / ARCD Zone (§6.5.7 B. herein) to better achieve the Township's goals for the district by eliminating what may be interpreted as intended distinctions between various types of residential uses and structures, and between residential and non-residential uses and structures:

Intent and purpose. It is the intent and purpose of this section to create a zoning district which would provide for one or more mixed-use / multi-use development(s) consisting of a variety of ownership- and structural-types of residential, commercial and other compatible nonresidential uses designed to create a "blended" community within this section of the Township.

Provided it is consistent with the Township's adopted Housing Element and Fair Share Plan (§5.3.2. B. herein), residential uses may include a mix of market rate and affordable housing, age-restricted and non-age restricted housing, independent and assisted / communal living

facilities ~ which shall be integrated to the extent practicable so as to negate any artificial distinctions between such uses.

Non-residential uses shall include hospitality and restaurant uses and other uses consistent with those permitted in the Highway Commercial (HC) Zone (§142-23).

Where practicable and appropriate, such development(s) will employ neo-traditional compact design that will preserve existing agricultural fields and forests and promote commerce so as to promote the following:

[subsection items remain unchanged]

b. Modify the Permitted Principal, Accessory and Conditional Uses in the MU / ARCD Zone (§142-20.1 C. and D.) to be more consistent with the uses permitted in the HC Zone (§6.5.10 herein), as amended by this Master Plan Update. Such changes may include, but need not be limited to:

- Add “stacked units” to the residential structural types currently permitted.
- Add Hotels with a 100-room minimum and a restaurant on the premises.
- Clarify that residential, retail, service and office uses may occur within single-use buildings or mixed-use buildings. If within a mixed-use building, ground floors shall be limited to non-residential uses. All uses may occur on upper floors, provided that access to residential and non-residential sections of the building are separated and that no cross-over (except for emergency services) is permitted.
- Permit buildings for industrial agriculture (i.e., “agritecture”), but clarify that agricultural uses, in whatever form or manner described, shall not include the growing, processing, manufacturing or dispensing of medicinal or recreational marijuana, cannabis, or like or similar regulated substance.

c. Amend bulk standards as necessary to achieve these uses.

4. §142-20.1 B. permits “carports” as a Permitted Accessory Use in the MU / ARCD Zone. However, no definition of “carport” is included in Chapter 142.
- a. An internet search for “carport” finds a number of definitions of varying specificity.
- Merriam Webster: *“an open-sided automobile shelter by the side of a building”*.¹⁴⁶
 - Collins: *“a shelter for cars which is attached to a house and consists of a flat roof supported on pillars.”*¹⁴⁷
 - Township of Hainesport (Burlington County, NJ): *“a roofed structure, freestanding or attached to another structure, designed to provide covered parking for vehicles, boats, travel trailers and similar uses. It shall not have enclosed walls.”*¹⁴⁸
 - NJ Building Code and International Building Code: *“Carports shall be open on at least two sides. Carport floor surfaces shall be of approved noncombustible material (asphalt surfaces shall be permitted at ground level). Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages”*.¹⁴⁹
- b. While §142-20.1 B. refers to §142.20.1 H(15)¹⁵⁰ for regulations pertaining to carports, the text is limited to garages, driveways and access thereto. These regulations do not appear applicable to carports.

¹⁴⁶ <https://www.merriam-webster.com/dictionary/carport>

¹⁴⁷ <https://www.collinsdictionary.com/dictionary/english/carport>

¹⁴⁸ <https://ecode360.com/10206473>

¹⁴⁹ https://www2.iccsafe.org/states/newjersey/nj_building/building_frameset.htm
www.ibc-wiki.com/section-406/

¹⁵⁰ Residential Garage and Parking Design Standards

Recognizing that carports can be designed with architectural and aesthetic appeal, commercially available residential carports are typically utilitarian structures that may or may not have a permanent foundation.



Master Plan Update Graphic 6

- c. The MU / ARCD Zone is the only Zone in the Township where carports are permitted. Pertinent bulk requirements for detached, semidetached and attached (townhouse) units are:

DEVELOPMENT REGULATIONS MU / ARCD ZONING DISTRICT	DETACHED UNITS	SEMIDETACHED UNITS	ATTACHED UNITS
Minimum Lot Area	7,000 s.f.	3,800 s.f.	2,200 s.f.
Minimum Lot Frontage	60'	35'	20'
Minimum Lot Width			
Minimum Lot Depth	120'	110'	
Minimum Front Yard Setback	20' when front-loaded garages are constructed.		5'
Minimum Side Yard Setback (1 Side)	5'	7½'	0' interior unit 5' end unit
Minimum Side Yard Setback (Combined)	12'		
Minimum Rear Yard Setback	30' exclusive of the garage portion of the dwelling.		30'

Master Plan Update Table 2

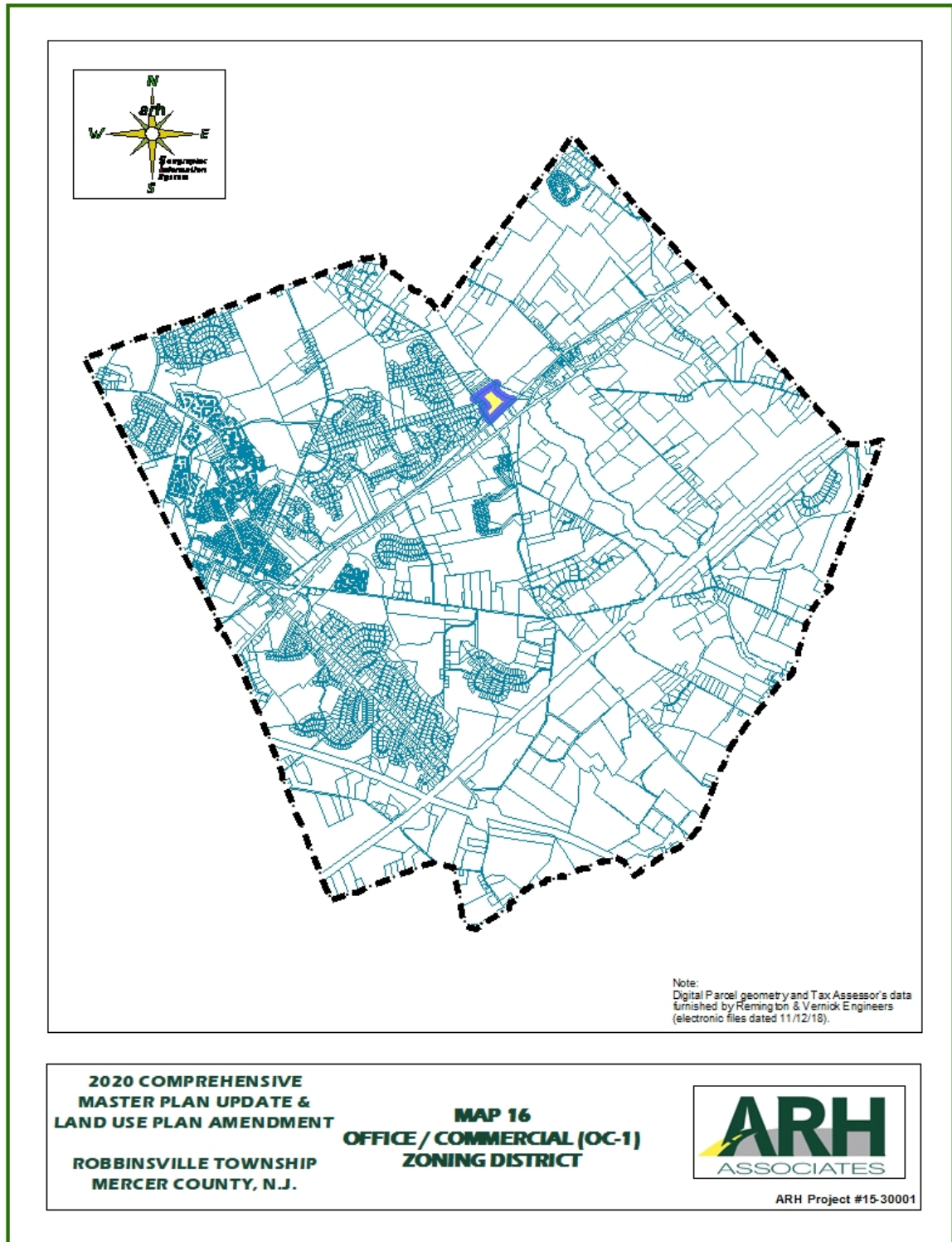
Based on these requirements and the lot geometry of the approved MU / ARCD subdivision, there does not appear to be sufficient room on a lot to place a carport without violating a Front or Side Yard setback.



Based on the totality of the foregoing, it is recommended that the carports be eliminated as a permitted Accessory Use from the MU / ARCD Zone.

5. §142-20.1 C. lists *“Public, quasi-public or private recreational parks, such as a community pool, community center and sports-related facility”* twice and may therefore be eliminated.
 6. Temporary Construction Trailers are a feature of any development projects and should therefore be permitted in all zones where development will take place. It is therefore recommended that this language be eliminated as an Accessory Use in the MU / ARCD Zone and added to §142-62 (Temporary Uses).
- F. No additional changes are recommended for the MU / ARCH Zoning District.

6.5.8 OFFICE / COMMERCIAL (OC-1) ZONING DISTRICT



- A. The OC-1 Zone covers (approximately) 21.5 acres, equating to 0.2% of the Township.
- B. The OC-1 Zone is governed by §142-21. The Purpose of the OC-1 Zone (§142-21 A.) states:¹⁵¹

This zone district is intended to recognize the development of the Route 33 / Route 130 corridor for office and commercial uses, and provide for new office and commercial uses with a goal of avoiding the strip commercial image that could occur along these highways.

- C. §142-20.1 B., C., D. and E. specify Permitted Principal, Accessory and Conditional Uses in the OC-1 Zone.^{151, 152}

Permitted Principal Uses Where Sanitary Sewers are Not Available

- *Municipal facilities.*
- *Public playgrounds, conservation areas, parks and other public-purpose areas.*
- *Building materials and garden supplies except mobile home dealers (SIC 52).*
- *Meat and fish markets (SIC 5421).*
- *Fruit and vegetable markets (SIC 5431).*
- *Apparel and accessory stores (SIC 56).*
- *Furniture and home furnishing stores (SIC 57).*
- *Drug stores and proprietary stores (SIC 591).*
- *Miscellaneous shopping goods stores except adult bookstores (SIC 594).*
- *Optical goods stores (SIC 5995).*
- *Commercial banks (SIC 602).*
- *Savings banks (SIC 603).*
- *Credit unions (SIC 606).*
- *Electrical goods (SIC 506).*
- *Photocopying and duplicating services (SIC 7334).*
- *Auto and home supply stores (SIC 5531) limited to automobile parts and accessory dealers.*
- *Automotive repair shops — top, body and upholstery repair shops (SIC 7532).*
- *Automotive repair shops, not elsewhere classified (SIC 7539), limited to automotive air-conditioner repair and radiator repair.*
- *Reupholstery and furniture repair (SIC 7641).*
- *Barber shops (SIC 7241).*

¹⁵¹ Truncated for brevity / clarity. Refer to §142-21 for the full text.

¹⁵² Codes are based on the Standard Industrial Classification Manual of 1987 by the United States Office of Management and Budget.

- *Animal specialty services, except veterinary limited to boarding kennels (SIC 0752).*

Permitted Principal Uses Where Sanitary Sewers are Available

- *Permitted Uses where sanitary sewers are not available.*
- *Advertising agencies (SIC 7311).*
- *Computer and data processing services (SIC 737).*
- *Offices and clinics of medical doctors (SIC 801).*
- *Offices and clinics of dentists (SIC 802).*
- *Offices of osteopathic physicians (SIC 803).*
- *Offices and clinics of chiropractors (SIC 8041).*
- *Offices and clinics of optometrists (SIC 8042).*
- *Offices and clinics of podiatrists (SIC 8043).*
- *Legal services (SIC 8111).*
- *Engineering, accounting, research, management, and related services (SIC 87) except facilities support management services (SIC 8744).*
- *Security brokers (SIC 6211).*
- *Insurance agents, brokers and services (SIC 6411).*
- *Real estate agents and managers (SIC 6531), except brokers of on-site manufactured homes, condominium and cooperative apartment managers, housing authorities, real estate auctions, rental agents and time-sharing real estate.*
- *Commercial art and graphic design (SIC 7336).*
- *Programming, computer data processing and other computer-related services (SIC 737).*
- *Eating places (SIC 5812) limited to restaurants, except fast-food and carry-out establishments.*
- *Beauty shops (SIC 7231), except beauty culture schools and cosmetology schools.*
- *Membership organizations (SIC 86).*
- *Other uses whose day-to-day activities are consistent with the uses described in §142-21B and C, provided that the applicant shall submit a description of the proposed use(s) and the operational aspects of the use(s) for review and determination of compatibility by the Zoning Officer.*

Permitted Accessory Uses

- *Off-street parking.*
- *Fences and walls.*
- *Temporary Construction Trailers... for the period of construction beginning with the issuance of a building permit and concluding with the issuance of a Certificate of Occupancy or one year, whichever is less, provided that the Trailer... [is] on the site where construction is taking place...*

- *One sign... advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a building permit and concluding with the issuance of a Certificate of Occupancy or one year, whichever is less, provided that the ... sign [is] on the site where construction is taking place...*
- *Amateur radio antennas and antenna support structure...*
- *Satellite dish antennas.*

Permitted Conditional Uses

- *Service Stations.*
- *House of Worship.*

D. Development regulations for the OC-1 Zone are contained in the balance of §142-21.

E. After an in-depth analysis of the land uses within the OC-1 Zone, it is recommended that:

1. The following uses be added as Permitted Principal Uses in the OC-1 Zone

Indoor and outdoor active and passive recreational uses and facilities, including, health, therapeutic and fitness centers, gymnasiums, tennis and racquetball courts and like and similar uses.

Art galleries; artist, musician and photography studios; dance and instructional studios, and like and similar activities.

2. “Temporary Construction Trailers” are a typical feature of development projects and should therefore be permitted in all zones where development will take place. It is recommended that this language be eliminated as an Accessory Use in the OC Zone and added to §142-62 (Temporary Uses).
3. Temporary Construction Signs¹⁵³ are similarly a typical feature of development projects and should therefore be permitted in all zones where development will take place. Such signs are addressed in §142-48 (3) as “signs [that] are exempt from the need to secure zoning and construction permits.” It is recommended that

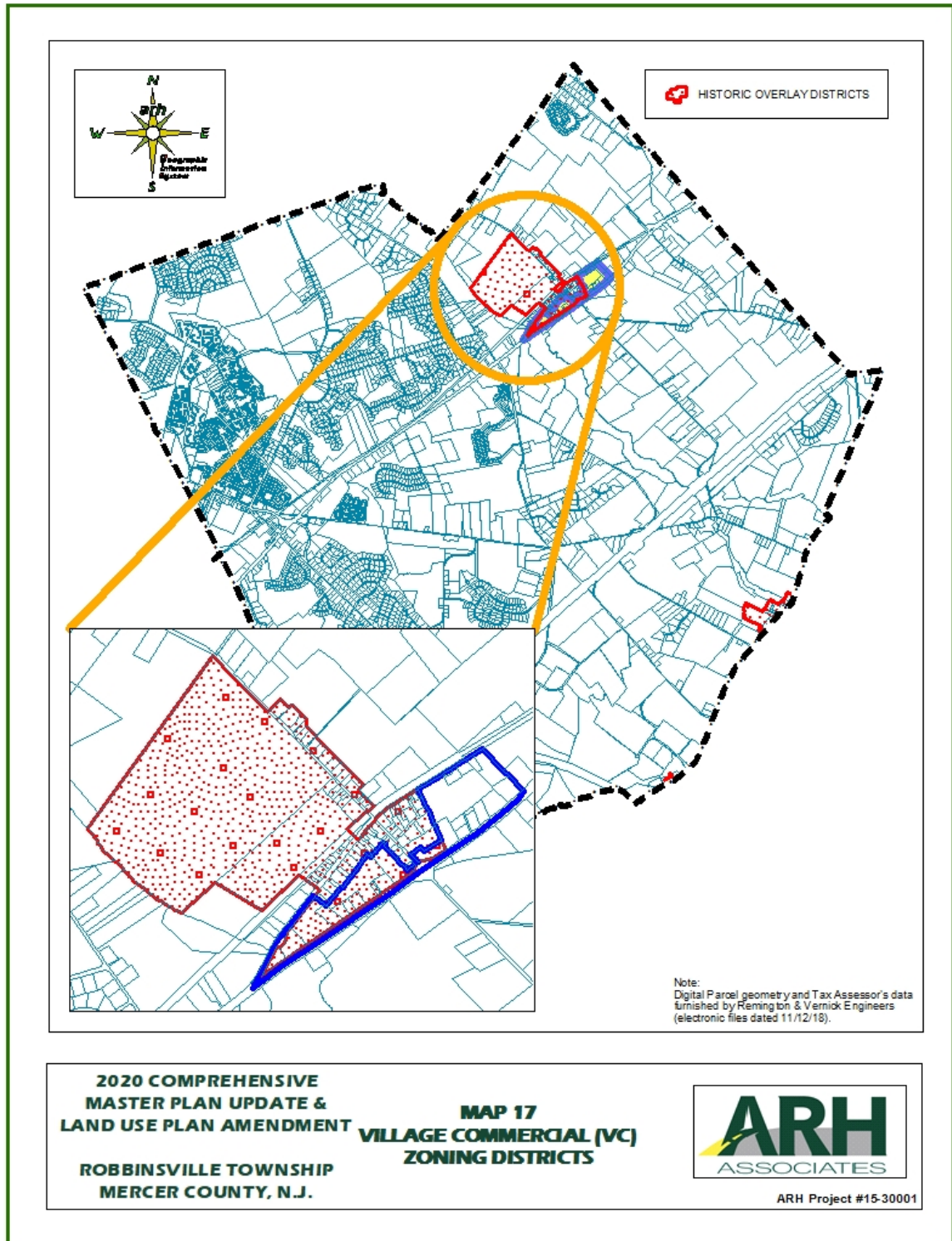
¹⁵³ “...advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction...”



the language be eliminated as an Accessory Use in the OC-1 Zone and combined as appropriate with the language in §142-48 (3)(g).

4. Since there is only one Office / Commercial Zone that exists in the Township, the '-1' in the 'OC-1' Zone designation is irrelevant. It is therefore recommended that the Zone be renamed 'OC' to avoid confusion.
- F. No additional changes are recommended for the OC-1 Zoning District.

6.5.9 VILLAGE COMMERCIAL (VC) ZONING DISTRICT



- A. The VC Zone covers (approximately) 45.9 acres, equating to 0.4% of the Township.
- B. The VC Zone is governed by §142-22. The Purpose and Intent of the VC Zone (§142-22 B.) states:¹⁵⁴

[The] VC District is part of a cohesive economic development plan intended to improve the primary commercial corridors within the Township and help to achieve a better balance between residential and commercial development. Additionally, the VC District will help the Township in its historic preservation efforts. An objective of the [2007 Reexamination] is to establish planning and design standards so that new developments are of a scale that is compatible with the Township's historic and rural character. The [2007 Reexamination] calls for the creation of a Village Commercial district within the area delineated as this Zoning District in order to take advantage of the surrounding historic communities and to help create a unique sense of place with office and retail uses for both residents and visitors to explore. The [2007 Reexamination] further recommends appropriate planning designs and architectural review in order to maximize benefits and minimize negative externalities and impacts.

The intent of the VC Zone is to provide commercial uses at a scale that is consistent with the adjacent Village of Windsor. As stated in the [2007 Reexamination], the following types of uses are not the intended types of uses for the VC Zone: new or used sales or rental of motor vehicles; automotive repair facilities; motels; gas stations; adult book stores; adult movie theaters; drug paraphernalia stores; junkyards; massage parlors; tattoo parlors; kennels; car washes; and body piercing studios.

- C. §142-22 C., D. and E. specify Permitted Principal, Accessory and Conditional Uses in the VC Zone.¹⁵⁴

Permitted Principal Uses

- *Retail stores, provided there is no fabrication, manufacturing, converting, altering, finishing, or assembly.*
- *Service activities, such as but not limited to banks, barbershops, beauty salons, tailors, shoe repair, dry cleaners, provided no cleaning conducted on the premises, jewelry repair, and legal services.*
- *Business offices, including but not limited to medical offices, professional offices and governmental offices.*

¹⁵⁴ Truncated for brevity / clarity. Refer to §142-22 for the full text.

- *Restaurants; drive-through facilities are not permitted.*
- *Combination office service and/or retail sales.*

Permitted Accessory Uses

- *Off-street parking.*
- *Fences and walls.*
- *Garages, storage buildings and other customary accessory uses incidental to the principal use.*
- *Temporary Construction Trailers... for the period of construction beginning with the issuance of a building permit and concluding with the issuance of a Certificate of Occupancy or one year, whichever is less, provided that the Trailer... [is] on the site where construction is taking place...*
- *One sign... advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a building permit and concluding with the issuance of a Certificate of Occupancy or one year, whichever is less, provided that the ... sign [is] on the site where construction is taking place...*
- *Amateur radio antennas and antenna support structure...*
- *Satellite dish antennas.*

Permitted Conditional Uses

House of Worship.

- D. Development regulations for the VC Zone, including *Performance and Design Standards, Architecture*, provisions for *Nonconforming Lots* and the role of the *Historic Preservation Subcommittee*, are contained in the balance of §142-22.
- E. As depicted on Master Plan Update Map 20, the Township's Historic Overlay (H-O) Zone extends into the VC Zoning District in the vicinity of Edinburg Windsor Road [County Road 641] south of the Railroad right-of-way.

The Overlay is governed by §142-30.1, which, in pertinent part, establishes a Historic Preservation Subcommittee and permits such entity, if requested by the Planning Board or Zoning Board, to “*advise on applications for development, including new construction or replacements, alterations, and/or additions, within the designated Historic Overlay Zone.*”

A review and analysis of the Historic Overlays is addressed in §6.5.17. herein.

F. After an in-depth analysis of the land uses within the VC Zone, it is recommended that:

1. The following uses be added as Permitted Principal Uses in the VC Zone:

Indoor and outdoor active and passive recreational uses and facilities, including, health, therapeutic and fitness centers, gymnasiums, tennis and racquetball courts and like and similar uses.

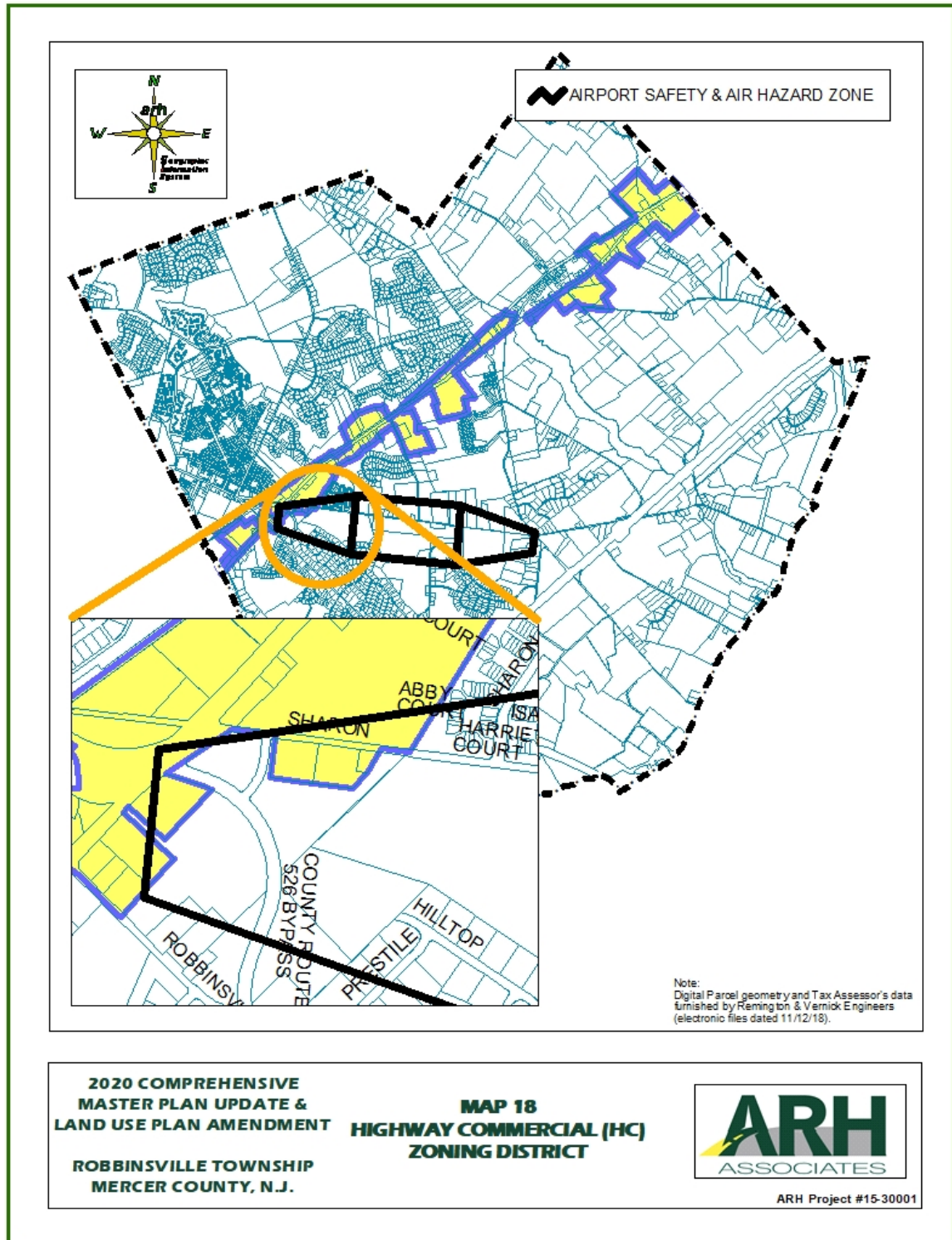
Art galleries; artist, musician and photography studios; dance and instructional studios, and like and similar activities.

2. “Temporary Construction Trailers” are a typical feature of development projects and should therefore be permitted in all zones where development will take place. It is recommended that this language be eliminated from the VC Zone and relocated to §142-62 (Temporary Uses).
3. Temporary Construction Signs¹⁵⁵ are similarly a typical feature of development projects and should therefore be permitted in all zones where development will take place. Such signs are addressed in §142-48 (3) as “signs [that] are exempt from the need to secure zoning and construction permits”. It is recommended that the language be eliminated as an Accessory Use in the VC Zone and combined as appropriate with the language in §142-48 (3)(g).

G. No changes are recommended for the VC Zoning District.

¹⁵⁵ “...advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction...”

6.5.10 HIGHWAY COMMERCIAL (HC) ZONING DISTRICT



- A. The HC Zone covers (approximately) 544.4 acres, equating to 4.1% of the Township.
- B. The HC Zone is governed by §142-23. The Purpose and Intent of the VC Zone (§142-23 B.) states:¹⁵⁶

[The] HC District is part of a cohesive economic development plan intended to improve the primary commercial corridors within the Township and help to achieve a better balance between residential and commercial development. The [2007 Reexamination] calls for the creation of a Highway Commercial district within the area delineated as this Zoning District in order to facilitate and stimulate commercial development along Route 130. The [2007 Reexamination] further recommends appropriate planning designs, uses, and architectural review in order to maximize benefits and minimize negative externalities and impacts.

The intent of the HC Zone is to provide commercial uses that serve Township residents as well as residents of the surrounding municipalities. As stated in the [2007 Reexamination], the following types of uses are not the intended types of uses for the HC Zone: new or used sales or rentals of motor vehicles; motels; adult book stores; adult movie theaters; drug paraphernalia stores; junkyards; massage parlors; tarot card readings / fortune-telling establishments; tattoo parlors; and body piercing studios.

- C. §142-23 C., D. and E. specify Permitted Principal, Accessory and Conditional Uses in the HC Zone.¹⁵⁶

Permitted Principal Uses

- *Designed Shopping Complex: a building or group of abutting buildings designed to be utilized by more than one permitted use where such building or group of abutting buildings is constructed at one time....*
- *Retail stores: automotive-related stores with the parts store being at least 50% of the total s.f.*
- *Service activities, such as but not limited to banks, barbershops, beauty salons, tailors, shoe repair, dry cleaners (except no chemical dry cleaning is permitted on the premises), jewelry repair, and legal services.*
- *Business offices, including but not limited to medical offices and governmental offices.*
- *Restaurants, including drive-through facilities.*
- *Combination office service and/or retail sales.*

¹⁵⁶ Truncated for brevity / clarity. Refer to §142-23 for the full text.

- *Indoor and outdoor recreational uses, such as health spas, gyms, tennis and racquetball courts.*
- *Hotels with a 100-room minimum and a restaurant on the premises.*

Permitted Accessory Uses

- *Off-street parking.*
- *Fences and walls.*
- *Garages, storage buildings and other customary accessory uses incidental to the principal use.*
- *Temporary Construction Trailers... for the period of construction beginning with the issuance of a building permit and concluding with the issuance of a Certificate of Occupancy or one year, whichever is less, provided that the Trailer... [is] on the site where construction is taking place...*
- *One sign... advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a building permit and concluding with the issuance of a Certificate of Occupancy or one year, whichever is less, provided that the ... sign [is] on the site where construction is taking place...*
- *Amateur radio antennas and antenna support structure...*
- *Satellite dish antennas.*

Permitted Conditional Uses

- *House of Worship (see §142-61M).*
- *Gas stations with convenience stores of over 2,500 s.f.*

D. Development regulations for the HC Zone, including *Performance and Design Standards, Architecture*, provisions for *Nonconforming Lots* and the relationship with Route 130, are contained in the balance of §142-23.

E. After an in-depth analysis of the land uses within the HC Zone, the following changes are recommended:

1. §142-23 H. 16 provides “*To the extent feasible, development within the HC Zone should follow the guidelines of the U.S. Green Council's Leadership in Energy and Environmental Design (LEED)*”. It is recommended that this provision be extended to all development in Robbinsville.

2. The definition of *Designed Shopping Complex* as permitted in the HC Zone:

a building or group of abutting buildings designed to be utilized by more than one permitted use where such building or group of abutting buildings is constructed at one time....

does not match the definition of Shopping Center in §142-7:

A group of commercial establishments built on one or more tracts that is planned, developed, owned and managed as an operating unit; it provides on-site parking in definite relationship to the type and total size of the stores. The commercial establishments may be located in one or several buildings, attached or separated.

This Master Plan Update recommends that these definitions be reviewed against the Policies and Strategies contained herein and the purposes of the Zones where they are permitted. If appropriate, they should be collapsed into a single definition.

3. In order to provide consistency among similar uses in similar Zones, it is recommended that:

Indoor and outdoor recreational uses, such as health spas, gyms, tennis and racquetball courts.

be revised to read:

Indoor and outdoor active and passive recreational uses and facilities, including, health, therapeutic and fitness centers, gymnasiums, tennis and racquetball courts and like and similar uses.

4. It is recommended that Permitted Principal Uses in the HC Zone be expanded to include:

Art galleries; artist, musician and photography studios; dance and instructional studios, and like and similar activities.

5. Certain lands within the HC Zone fall within the Air Safety and Air Hazard (AS) Zone. For the reasons detailed in §6.5.1 F.5. herein, it is recommended that HC Zoning be eliminated from the lands under the AS Zone.¹⁵⁷

As detailed in §6.5.1 F.4 herein, eliminate RR Zoning from the landlocked RR district east of Woodside Road and south of Route 130 and absorb this Lot into the Highway Commercial (HC) Zone.

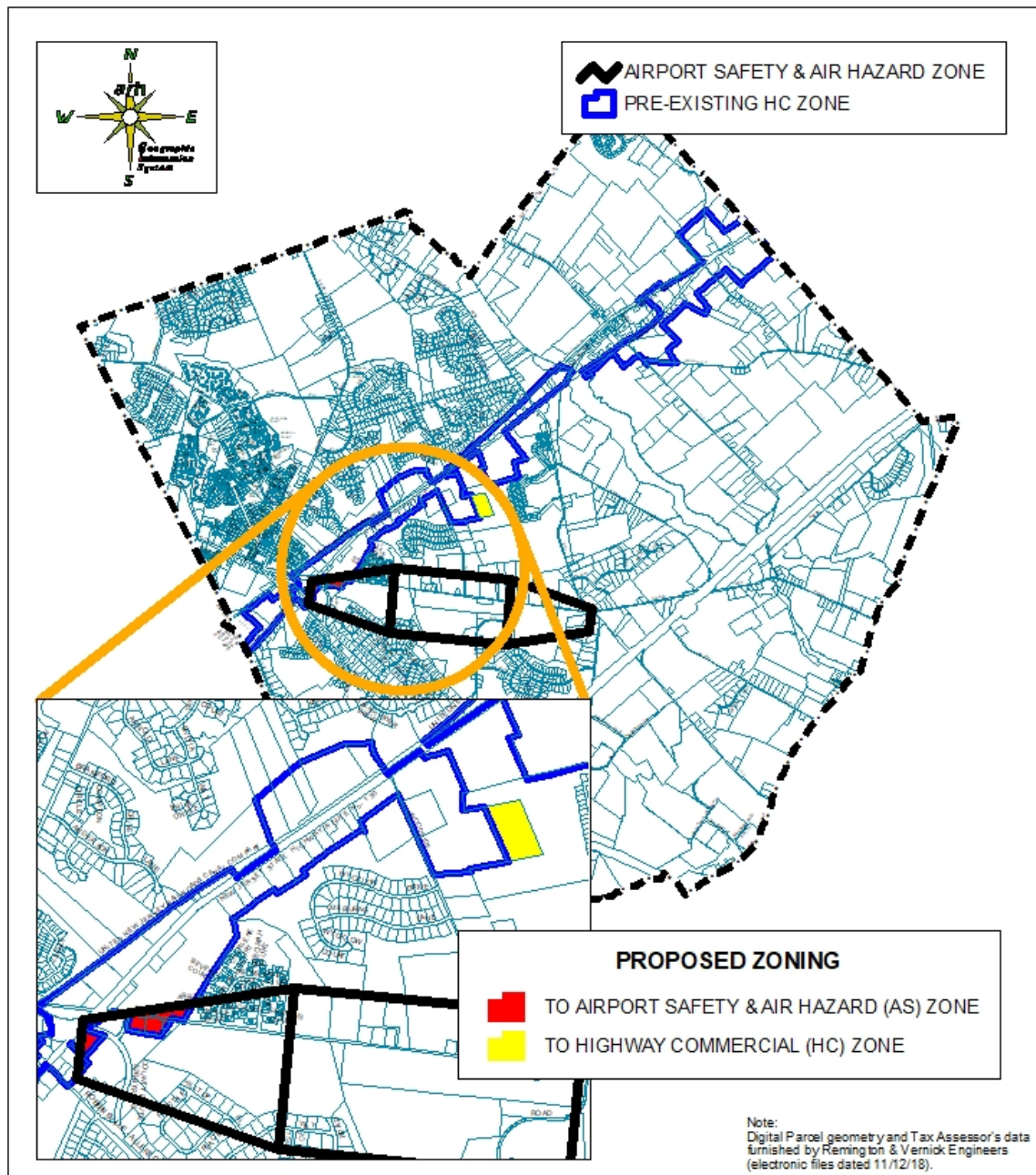
These recommendations are graphically depicted on Master Plan Update Map 18A.

6. Temporary Construction Trailers are a typical feature of development projects and should therefore be permitted in all zones where development will take place. It is recommended that this use be eliminated as an Accessory Use in the HC Zone and added to §142-62 (Temporary Uses).
7. Temporary Construction Signs¹⁵⁸ are similarly a typical feature of development projects and should therefore be permitted in all zones where development will take place. Such signs are addressed in §142-48 (3) as “*signs [that] are exempt from the need to secure zoning and construction permits*”. It is recommended that the language be eliminated as an Accessory Use in the HC Zone and combined as appropriate with the language in §142-48 (3)(g).

F. No additional changes are recommended for the HC Zoning District.

¹⁵⁷ Issues related to the AS Zone are addressed in §6.5.21 of this Master Plan Update.

¹⁵⁸ “...advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction...”



2020 COMPREHENSIVE
MASTER PLAN UPDATE &
LAND USE PLAN AMENDMENT

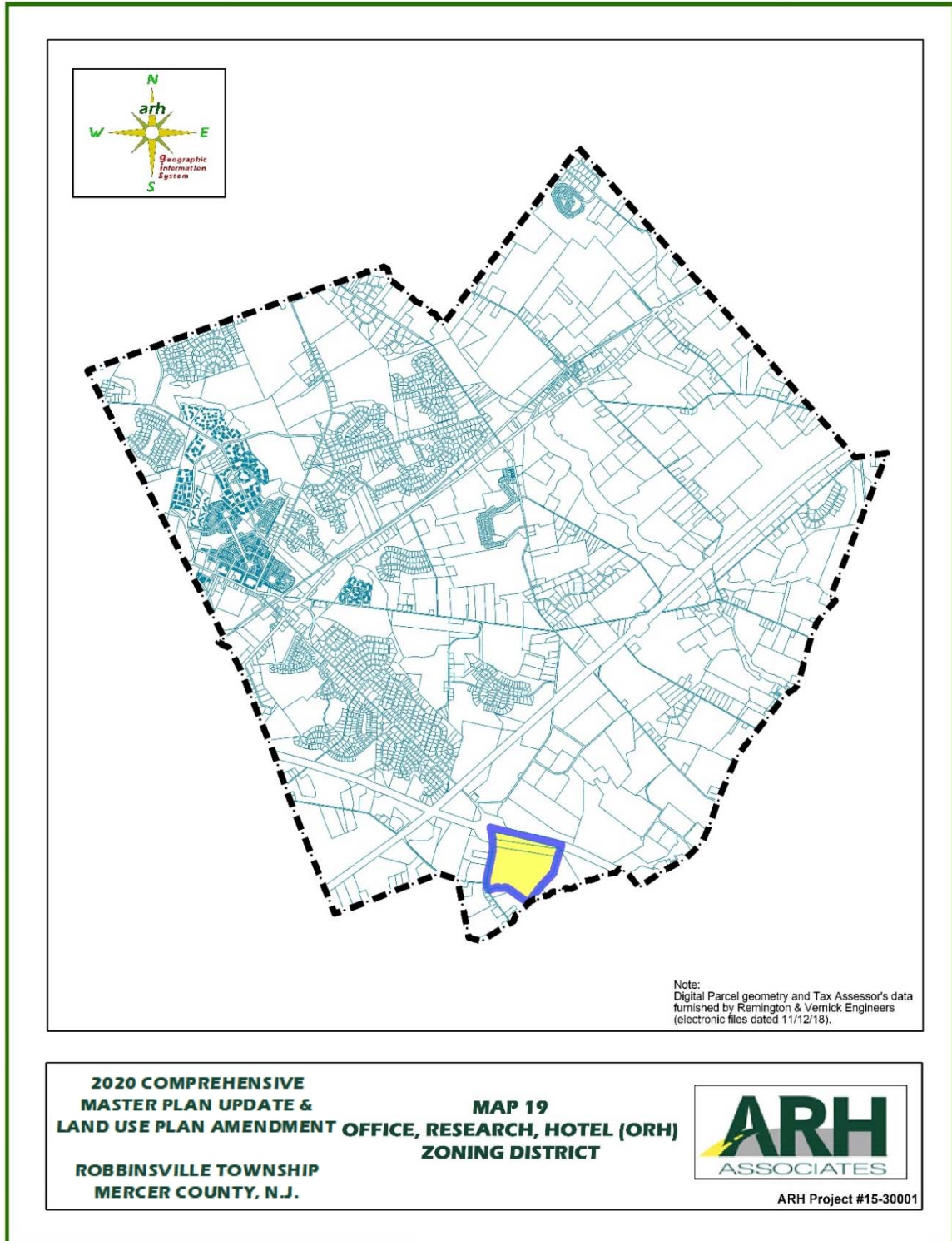
ROBBINSVILLE TOWNSHIP
MERCER COUNTY, N.J.

MAP 18A
PROPOSED MODIFICATIONS TO
HIGHWAY COMMERCIAL (HC)
ZONING DISTRICT



ARH Project #15-30001

6.5.11 OFFICE, RESEARCH, HOTEL (ORH) ZONING DISTRICT



- A. The ORH Zone covers (approximately) 131.2 acres, equating to 1.0% of the Township.
- B. The ORH Zone is governed by §142-24. The Preamble to the ORH Zone (§142-24 A.) states:¹⁵⁹

This Zone is planned for new large-scale office and research uses. Hotel and conference centers are also encouraged to take advantage of the N.J. Turnpike and interstate highways.

- C. §142-24 B. and C. specify Permitted Principal and Accessory Uses in the ORH Zone.¹⁵⁹

Permitted Principal Uses

- *Offices and office buildings.*
- *Research and laboratories.*
- *Hotels.*
- *Office parks comprised of any of the above uses, provided that a minimum tract acreage of 25 acres is provided.*
- *Farms.*
- *Banks and bank branches only in office parks.*
- *Restaurants only in office parks and only those establishments at which food is served only to customers seated at tables and consumed only by customers seated at tables.*
- *Tennis centers, health clubs and racquet clubs only in office parks and only on parcels of land consisting of 5 or more acres.*
- *Flex space or office / service center involving at least 50% of the total floor area as office, with the remaining floor area as warehouse.*

Permitted Accessory Uses

- *Off-street parking.*
- *Fences and walls.*
- *Garages, storage buildings and other customary accessory uses incidental to the principal use.*
- *Temporary Construction Trailers... for the period of construction beginning with the issuance of a building permit and concluding with the issuance of a Certificate of Occupancy or one year, whichever is less, provided that the Trailer... [is] on the site where construction is taking place...*
- *One sign... advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning*

¹⁵⁹ Truncated for brevity / clarity. Refer to §142-24 for the full text.



with the issuance of a building permit and concluding with the issuance of a Certificate of Occupancy or one year, whichever is less, provided that the ... sign [is] on the site where construction is taking place...

- *The keeping of ... livestock, with a minimum of 5 acres for every 2 animals.*

D. Development regulations for the ORH Zone are contained in the balance of §142-24.

E. After an in-depth analysis of the land uses within the ORH Zone, the following changes are recommended:

1. The language describing the Permitted Principal Uses in the ORH Zone should permit any combination of the uses specified.
2. *“Office parks comprised of any of the above uses, provided that a minimum tract acreage of 25 acres is provided”; and “Banks and bank branches only in office parks”* are incompatible with an Office / Research / Hotel Park. These uses should therefore be eliminated as Permitted Principal Uses in the ORH Zone.
3. While *“farms”* are incompatible with the intent of the ORH Zone, *“Agritecture”*¹⁶⁰ is recommended as an appropriate Permitted Principal Use in this Zone.
4. *“Restaurants only in office parks and only those establishments at which food is served only to customers seated at tables and consumed only by customers seated at tables”* describes an Accessory Use ~ not a Principal Use. It is therefore recommended that the use be reclassified as a Permitted Accessory Use.

Further, the language as currently stated would prohibit a restaurant in a hotel and would prohibit an employee in the ORH Zone from taking out food to eat at his/her

¹⁶⁰ Defined for the purposes of this Master Plan Update as the process of infusing agriculture into a built environment to maximize plant growth using indoor hydroponic or aeroponic systems and vertical spaces to maximize yield.

While commonly thought of as “Urban Agriculture”, such term congers images of rooftop gardens, wall gardens or gardening in the small spaces between buildings or vacant lots. While such uses are not discouraged, Agritecture in the ORH Zone is envisioned as a mass production, industrialized use.

For the purposes of this Comprehensive Master Plan Update, and unless and until policy has been established by the Governing Body, Agritecture, in whatever form or manner described, shall not include the growing, processing, manufacturing or dispensing of medicinal or recreational marijuana, cannabis, or like or similar regulated substance.

desk. Accordingly, it is recommended that the text be revised to read “*Restaurants, Standard as defined in §142-7, except that take-out food shall be permitted.*”¹⁶¹

5. “*Tennis centers, health clubs and racquet clubs only in office parks and only on parcels of land consisting of 5 or more acres*” describes an Accessory Use ~ not a Principal Use. It is therefore recommended that the use be reclassified as a Permitted Accessory Use.

Further, the language as currently stated would prohibit a tennis court, health club or racquet club in a hotel, would prohibit a gym in a small office setting, and would limit amenities to the uses cited.

In order to provide consistency among similar uses in similar Zones, it is recommended that the language be revised to read:

Indoor and outdoor active and passive recreational uses and facilities, including, health and fitness centers, gymnasiums, tennis and racquetball courts and like and similar uses.

6. Conference Centers are addressed in the Preamble to the ORH Zone but not included as a permitted use. Accordingly, it is recommended that “*Hotels*” in §142-24 B. be revised to read:

Hotel and Conference Centers, including multi-use complexes consisting of any combination of professional meeting and training facilities (i.e., classrooms, auditoriums, theaters, amphitheaters); recreational and athletic facilities; restaurants, dining and banquet facilities; and accessory retail or other service facilities incidental to said use.

7. It is recommended that “*Garages, storage buildings and other customary accessory uses incidental to the principal use*” be modified to read “*Parking garages, storage buildings, maintenance sheds and other customary accessory uses and structures incidental to the principal use*” Such uses / structures may be

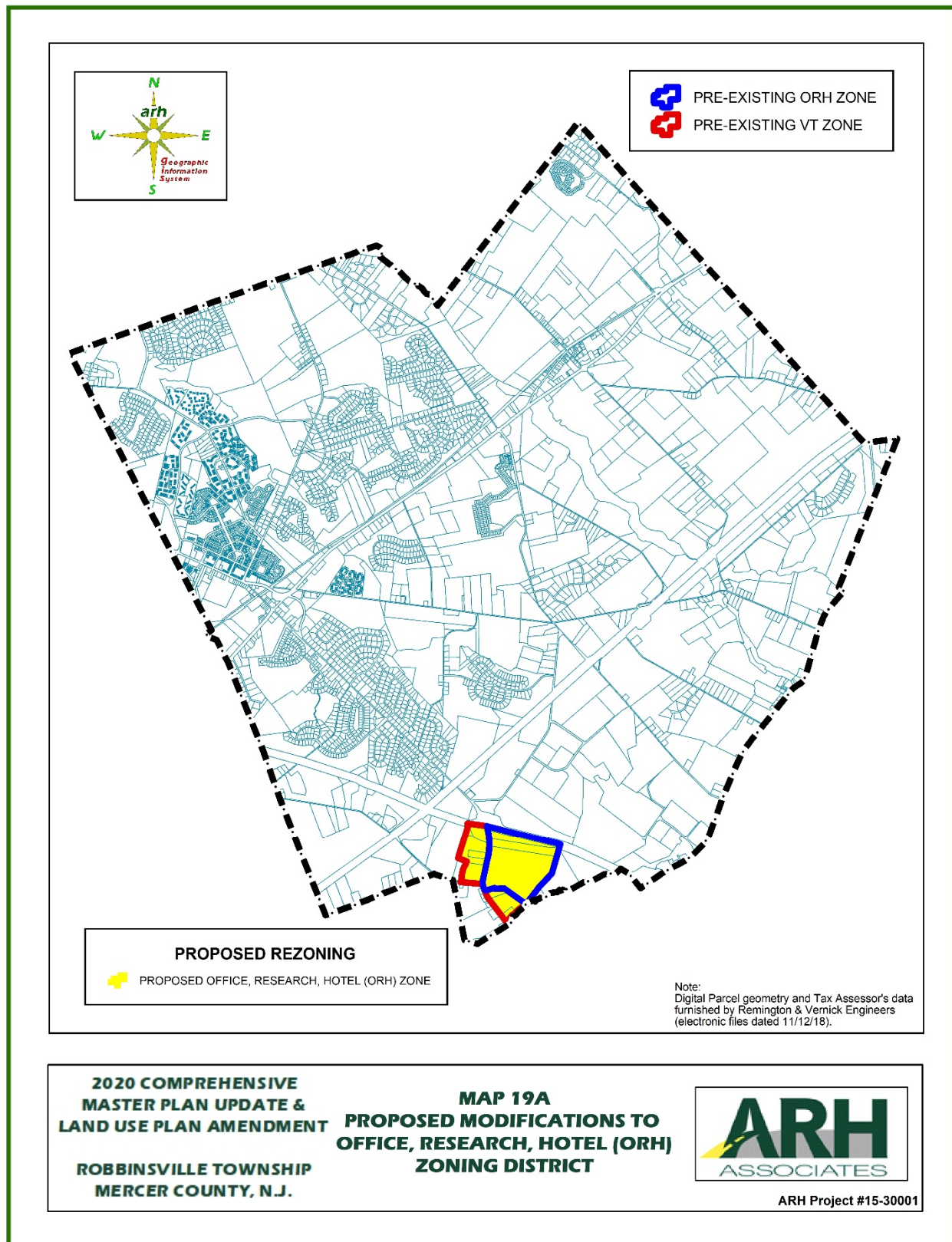
¹⁶¹ Pursuant to RESTAURANT, DRIVE-IN as defined in §142-7, “all such drive-in restaurants and refreshment stands” remain “specifically prohibited” in the ORH Zone.

constructed as part of a Principal Structure or may be developed as a detached Accessory Structure to a Principal Use. When developed as a detached Accessory Structure, the same-lot limitations of §142-7 shall not apply.

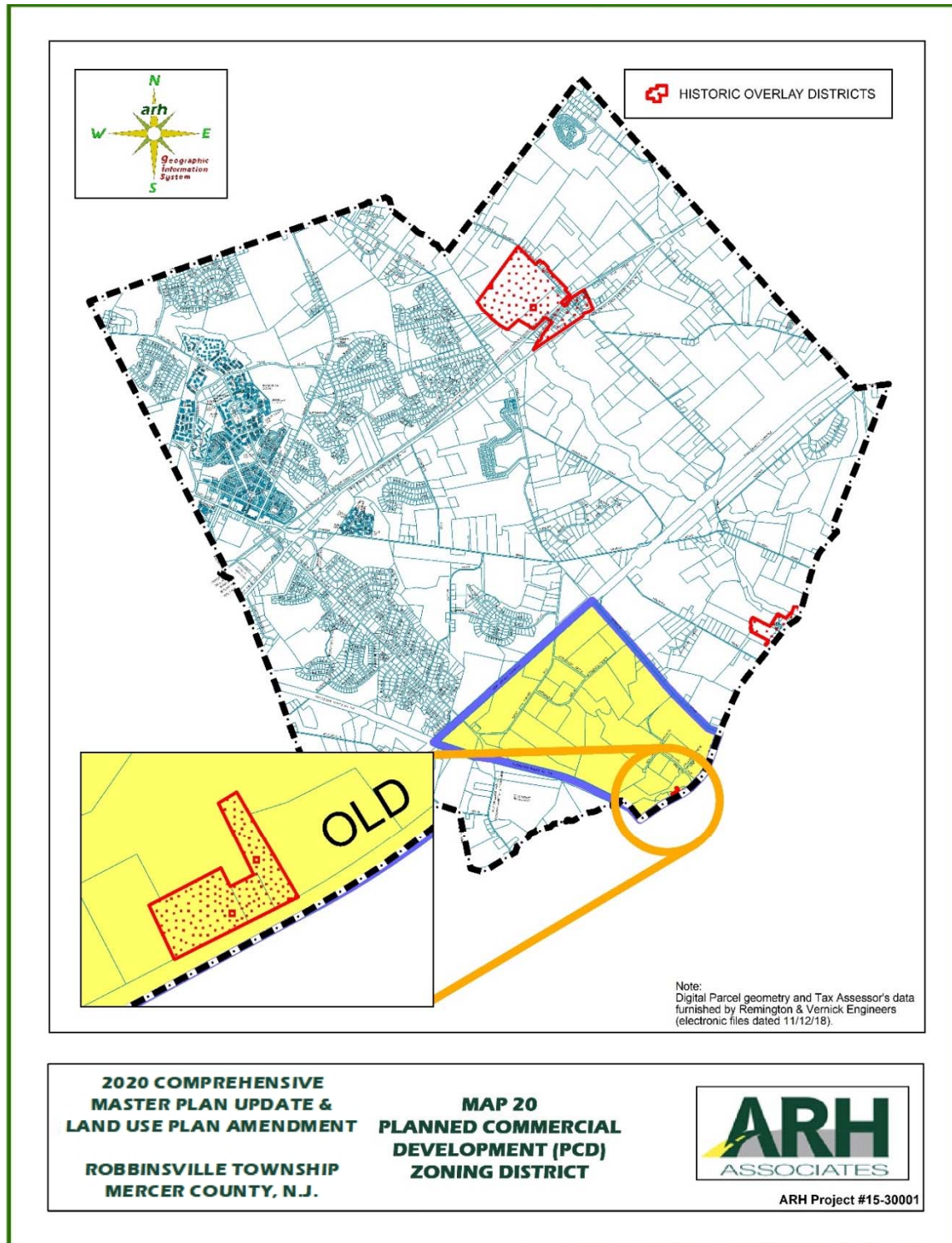
8. “Temporary Construction Trailers” are a typical feature of development projects and should therefore be permitted in all zones where development will take place. It is recommended that this language be eliminated as an Accessory Use in the ORH Zone and added to §142-62 (Temporary Uses).
9. Temporary Construction Signs¹⁶² are similarly a typical feature of development projects and should therefore be permitted in all zones where development will take place. Such signs are addressed in §142-48 (3) as “*signs [that] are exempt from the need to secure zoning and construction permits*”. It is recommended that the language be eliminated as an Accessory Use in the ORH Zone and combined as appropriate with the language in §142-48 (3)(g).
10. “*The keeping of ... livestock...*” is incompatible with an Office / Research / Hotel Park and should therefore be eliminated as Permitted Principal Uses in the ORH Zone.
11. Consistent with the recommendation in §6.5.18 herein, it is recommended that the ORH Zone be expanded to incorporate the neighboring Village Transitional (VT) Zone. This recommendation is graphically depicted on Master Plan Update Map 19A.

F. No additional changes are recommended for the ORH Zoning District.

¹⁶² “...advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction...”



6. 5.12 PLANNED COMMERCIAL DEVELOPMENT (PCD) ZONING DISTRICT



- A. The PCD Zone covers (approximately) 1,105.8 acres, equating to 8.4% of the Township.
- B. The PCD Zone is governed by §142-25. The Preamble to the PCD Zone (§142-25 A.) states:¹⁶³

This Zone recognizes the need for large tract development for office, warehouse, light manufacturing and "flex" (office / warehouse buildings) in the Township. Also permitted are uses which are intended to provide attendant services for employees, suppliers and visitors of the primary uses. Due to the nature of these uses, the same must be situated in proximity to major arterial roads and highways.

There are several isolated residential properties... located in the Zone... in such a way as to preclude a separate zone district being created. The intent is to allow [these]... properties to continue... subject to certain bulk requirements... applicable to... [existing] residences at the time of the adoption of this section.

- C. §142-25 D. and E. specify Permitted Principal, Accessory and Conditional Uses in the PCD Zone.¹⁶³

Permitted Principal Uses

- *General business, corporate, and professional offices, including administrative, sales, executive, research and development, high technology and other general or corporate business uses.*
- *Retail and related uses sited for the convenience of the employees within the PCD Zone in conjunction with a General Development Plan for a Planned Commercial Development. Such retail uses shall be limited to:*
 - *Banks and financial institutions.*
 - *Restaurants, provided there is no drive-through service or service in vehicles. An employee cafeteria or lunch room whose location is within a building and whose operation is solely accessory to a permitted nonretail use shall not be construed to be a restaurant under this section.*
 - *Supermarkets, delicatessens and similar food service establishments.*
 - *Video rental stores.*
 - *Dry-cleaning pickup / drop-off service only. Actual dry cleaning of garments shall not be conducted within the PCD.*
 - *Pharmacies.*
 - *Card and gift shops.*
 - *Barber / beauty shops.*
 - *Post offices.*

¹⁶³ Truncated for brevity / clarity. Refer to §142-25 for the full text.

- Florist shops.
- Hotel and Conference Centers, including professional meeting and training facilities (i.e., classrooms, auditoriums, amphitheaters), recreational and athletic facilities, dining and banquet facilities and accessory retail or other service facilities incidental to said use.
- Fully enclosed establishments for the sale and repair of office-related equipment.
- Research and development use, including, but not limited to, computer centers and data processing facilities.
- Municipal facilities, including municipal garages.
- Day-care facilities associated with permitted uses.
- Public purpose recreation uses including facilities for cultural activities and associated public purpose uses.
- Health clubs and racquet clubs.
- Agricultural uses.
- Mixed-Use Building...
- General warehouse uses, warehouse showrooms, and retail outlets which are solely incidental to a warehouse use. This section shall not be construed so as to permit retail-warehouse or warehouse-type uses whose primary function is direct on-site retail sales to the public.
- Light manufacturing and assembly use.
- Office uses...
- Modular office-distribution uses.
- Public purpose recreation uses, including facilities for cultural activities and associated public purpose uses.
- Health clubs and racquet clubs.
- Agricultural uses.
- Freight forwarding warehouse.

Permitted Accessory Uses

- Parking decks and/or garages and loading facilities incidental to and supportive of the principal uses in this Zone...
- Recreational facilities for use of the tenants or employees of the principal uses.
- All uses which are customarily incidental to and supportive of the principal uses, or combination thereof...
- Signs and directories.
- Amateur radio antennas and antenna support structure...
- Satellite dish antennas.

Permitted Conditional Uses

- Single-family residences.
- Service stations with convenience store.

- D. Development regulations for the PCD Zone, including *General Provisions, Development Standards, Architectural Standards, Agriculture and Open Space Preservation, General Development Plan procedures*, are contained in the balance of §142-25.
- E. After an in-depth analysis of the land uses within the PCD Zone, the following changes are recommended:
1. As depicted on Master Plan Update Map 20, one of the Township's Historic Overlay (H-O) Zones extends into the PCD Zoning District along Old York Road.

Despite there being 3 Historic Overlays depicted on the Township's Zoning Map, the whole of the Historic Overlay Zone(s) in Robbinsville is(are) governed by §142-30.1, which appears to be designed to address historic properties in the Township's Rural Residential (RR) Zoning District. Significantly, none of the Blocks and Lots in §142-30.1 are within the Old York Road Overlay.

While one may surmise that the Old York Road Overlay was enacted to address the “*several isolated residential properties...*” referenced in the Preamble to the PCD Zone,¹⁶⁴ Chapter 142 contains no language to confirm this supposition and §142-25 specifically classifies the single-family homes in the PCD Zone as a Conditional Use ~ subject to the provisions of §142-61 J. §142-61 J., in turn, specifically addresses Residential Cluster Development and thereby presupposes new construction.

Accordingly, this Master Plan Update recommends that the Old York Road Overlay be eliminated. The “*several isolated residential properties*” existing in the PCD Zone can be grandfathered in their existing use and geometry via Certificate of Nonconformity¹⁶⁵ issued after the adoption of the Ordinance eliminating the Overlay.

Since a municipal Zoning Officer may issue a Certificate of Nonconformity within one year of Ordinance adoption (after one year such a Certificate must be issued

¹⁶⁴ §142-25 A.

¹⁶⁵ §5.3.1 C. herein.

by the Zoning Board), and since a property-owner must apply for such a Certificate, it is recommended that the Township notify the affected property-owners upon passage of any such Ordinance.

This recommendation is graphically depicted on Master Plan Update Map 20A.

2. Regardless of the disposition of the Old York Road Overlay, it is recommended that a Certificate of Nonconformity be issued for the existing residential properties in the PCD Zone and the second paragraph of the Preamble to the PCD Zone be revised to eliminate the *“certain bulk requirements... applicable to... [existing] residences at the time of the adoption of this section”* in favor of the conditions recognized by the Certificate of Nonconformity.
3. The Preamble to the PCD Zone states the intent of the zone as to provide for *“large tract development for office, warehouse, light manufacturing and “flex” (office / warehouse buildings) [uses, along with] “uses which are intended to provide attendant services for employees, suppliers and visitors of the primary uses.”* The following Permitted Principal Uses are incompatible with this intent and should therefore be eliminated from the PCD Zone:
 - *Supermarkets, delicatessens and similar food service establishments.*
 - *Video rental stores.*
 - *Dry-cleaning pickup / drop-off service only. Actual dry cleaning of garments shall not be conducted within the PCD.*
 - *Pharmacies.*
 - *Card and gift shops.*
 - *Barber / beauty shops.*
 - *Post offices.*
 - *Florist shops.*
4. *“Day-care facilities associated with permitted uses”* describes an Accessory Use ~ not a Principal Use. It is therefore recommended that the use be reclassified as a Permitted Accessory Use.

5. *“Public purpose recreation uses including facilities for cultural activities and associated public purpose uses.”*
6. In order to provide consistency among uses in similar Zones, it is recommended that *“Health clubs and racquet clubs”* be revised to read:

Indoor and outdoor active and passive recreational uses and facilities, including, health and fitness centers, gymnasiums, tennis and racquetball courts and like and similar uses.

Consideration should be given to combining *“Public purpose recreation uses...”* and *“Indoor and outdoor active and passive recreational uses...”*

7. While general agriculture is incompatible with the intent of the PCD Zone, *“Agritecture”*¹⁶⁶ is recommended as an appropriate permitted use in this Zone.
8. Rather than *“Mixed-Use Buildings...”*, it is recommended that the language describing the Permitted Principal Uses in the PCD Zone permit any combination of the uses specified.
9. It is recommended that *“Light manufacturing and assembly uses”* be revised to read *“Light manufacturing and assembly uses as defined herein.”*
10. Given the space limitations established for “office uses” within the PCD Zone, it is recommended that *“Office uses”* be eliminated as a stand-alone use and only be permitted as part of a multi-use operation.

¹⁶⁶ Defined for the purposes of this Master Plan Update as the process of infusing agriculture into a built environment to maximize plant growth using indoor hydroponic or aeroponic systems and vertical spaces to maximize yield.

While commonly thought of as “Urban Agriculture”, such term congers images of rooftop gardens, wall gardens or gardening in the small spaces between buildings or vacant lots. While such uses are not discouraged, Agritecture in the PCD Zone is envisioned as a mass production, industrialized use.

For the purposes of this Comprehensive Master Plan Update, and unless and until policy has been established by the Governing Body, Agritecture, in whatever form or manner described, shall not include the growing, processing, manufacturing or dispensing of medicinal or recreational marijuana, cannabis, or like or similar regulated substance.

11. §142-25 D. lists the following uses twice. They may therefore be eliminated:

- *Public purpose recreation uses, including facilities for cultural activities and associated public purpose uses.*
- *Health clubs and racquet clubs.*
- *Agricultural uses.*

12. It is recommended that “*Freight forwarding warehouse*” be revised to read “*Distribution / Fulfillment Centers*” to reflect modern terminology and usage, and that the terms be defined as:

a logistics warehouse where incoming orders are received, processed, picked, packaged, and readied for delivery to the customer. Sometimes these locations are independent third-party outsources used to complete taken orders.¹⁶⁷

13. In order to be consistent with the *Hotel and Conference Centers* as permitted in the ORH Zone, it is recommended that the language permitting such uses in the PCD Zone be revised to:

Hotel and Conference Centers, including multi-use complexes consisting of any combination of professional meeting and training facilities (i.e., classrooms, auditoriums, theaters, amphitheaters); recreational and athletic facilities; restaurants, dining and banquet facilities; and accessory retail or other service facilities incidental to said use.

14. “*Parking decks and/or garages and loading facilities incidental to and supportive of the principal uses in this Zone...*” should be revised to read: “*Parking lots, decks and/or garages and loading facilities incidental to and supportive of the principal uses in this Zone...*”

15. “*All uses which are customarily incidental to and supportive of the principal uses, or combination thereof...*” should be revised to eliminate the word “all.”

¹⁶⁷ <https://thelawdictionary.org/fulfillment-center/>

16. As detailed in §6.5.12 E. herein, “Single-family residences; see §142-61 J.” should be eliminated as a Permitted Conditional Use in the PCD Zone.

17. §142-25 C. (General Provisions) provides, in pertinent part:

PCD Zone Criteria. Within those areas specifically designated on the Zoning Map of Robbinsville Township as within the PCD Zone, any application for development shall be made in accordance with the regulations and procedures detailed in this chapter, provided the proposal meets with all of the criteria of Type 1 or Type 2 uses as defined in Subsection D of this section. Development of Type 1 uses, Type 2 uses, or a combination of Type 1 and Type 2 uses, may be approved pursuant to an application for site plan approval, with or without an application for general development plan approval.

PCD Alternate Criteria. Planned development within the PCD Zone shall be a permitted alternate form of development on tracts with a gross area of at least 350 acres. Application for this alternative shall be made in accordance with the regulations and procedures described in Subsection I of this section pertaining to a Planned Development, provided that the proposal meets all of the following minimum criteria:

(a) The area of the tract upon which planned development is proposed is 350 acres or larger.

It is recommended that this language is unnecessary and may be eliminated.

18. §142-25 D.(1)(a) (Principal Permitted Uses for a Type 1 Development) provides, in pertinent part:

[11] Mixed-Use Building. Within a Mixed-Use Building, retail uses shall not exceed 5% of the floor area of any individual Type 1 use building. Plan averaging of retail floor area shall also be permitted as part of a General Development Plan; provided, however, that the total retail floor area shall not exceed 10% of the floor area of all Type 1 uses in the plan. All retail uses shall be integrated into the overall campus style design of the PCD development. The Planning Board shall have the power to limit the extent and location of freestanding and all other retail uses.

This Master Plan Update recognizes that the limited sale of goods is often an ancillary component to a “warehouse”, “light manufacturing” or “flex space” facility, but that retail as a Permitted Principal Use is counterproductive to the intention of the PCD Zone. Accordingly, it is recommended that “retail” be limited to an Accessory Use within the PCD Zone.

19. §142-25 D.(1)(b) (Principal Permitted Uses for a Type 2 Development) provides, in pertinent part:

[3] Office uses up to 2% of the gross square footage of a permitted Type 2 Use. Office uses over 2% of the gross square footage of a permitted Type 2 building shall be deemed Type 1 Uses.

The intent of the PCD Zone is to foster “office, warehouse, light manufacturing and “flex” (office / warehouse buildings)” development wherein office is a permitted Principal Use. It is therefore recommended that provisions limiting the amount of office space is counterproductive and should be eliminated.

20. The extensive set of regulations governing Type 1 and Type 2 Development appear overly cumbersome and inflexible, and in some cases difficult to interpret and apply. It is recommended that these regulations be reviewed and, where appropriate, be combined, streamlined or eliminated.
21. It is recommended that all Zones in Robbinsville would benefit from provisions similar to §142-25 E.(8) (Architectural Standards) and §142-25 E.(9) (Building Design Standards). Accordingly, such standards, as may be modified for each particular zone, are recommended for all development in the Township.
22. §142-25 G. (2) (Procedure for Approval of the General Development Plan) duplicates many of the general development procedures required under Chapter 142. It is therefore recommended that this section be reviewed and revised to eliminate redundancy.



23. In September 2011, the Township designated Block 41, Lots 14, 36, 37.01, 37.02, 37.03, 38.02, 38.03, 38.04 and 38.012 to be In Need of Redevelopment under the New Jersey *Local Redevelopment & Housing Law*.^{168,169} A Redevelopment Plan for this Redevelopment Area (“Block 41 Redevelopment Plan”) was adopted in October 2011.¹⁷⁰

In or about March 2018, the Township extended the Redevelopment Area to include Block 41, Lots 15.01, 15.02 and 15.03¹⁷¹ The Block 41 Redevelopment Plan was amended to include these Lots in April 2018.¹⁷²

The Block 41 Redevelopment Area extends into the PCD Zoning District.

Section 7c. of the *Redevelopment Law* provides, in pertinent part:

[A] Redevelopment Plan shall supersede applicable provisions of the development regulations of the municipality or constitute an Overlay Zoning District within the Redevelopment Area. When the Redevelopment Plan supersedes any provision of the development regulations, the Ordinance adopting the Redevelopment Plan shall contain an explicit amendment to the Zoning District Map included in the Zoning Ordinance. The Zoning District Map as amended shall indicate the Redevelopment Area to which the Redevelopment Plan applies... [emphasis added]

Section 5 of the Block 41 Redevelopment Plan states:

This Redevelopment Plan incorporates all provisions of the Land Development Code of the Township of Robbinsville regulating development in the area addressed by this Redevelopment Plan except where explicitly stated in this Plan to the contrary, in which case this Plan shall supersede the requirements of the

¹⁶⁸ N.J.S.A. 40A:12A-1 et. seq. (“Redevelopment Law”)

¹⁶⁹ Via Resolution No. 2011-210 (on file with the Township Clerk).

¹⁷⁰ Via Ordinance No. 2011-21 (on file with the Township Clerk).

¹⁷¹ Via Resolution No. 2018-111 (on file with the Township Clerk).

¹⁷² Via Ordinance No. 2018-15 (on file with the Township Clerk).

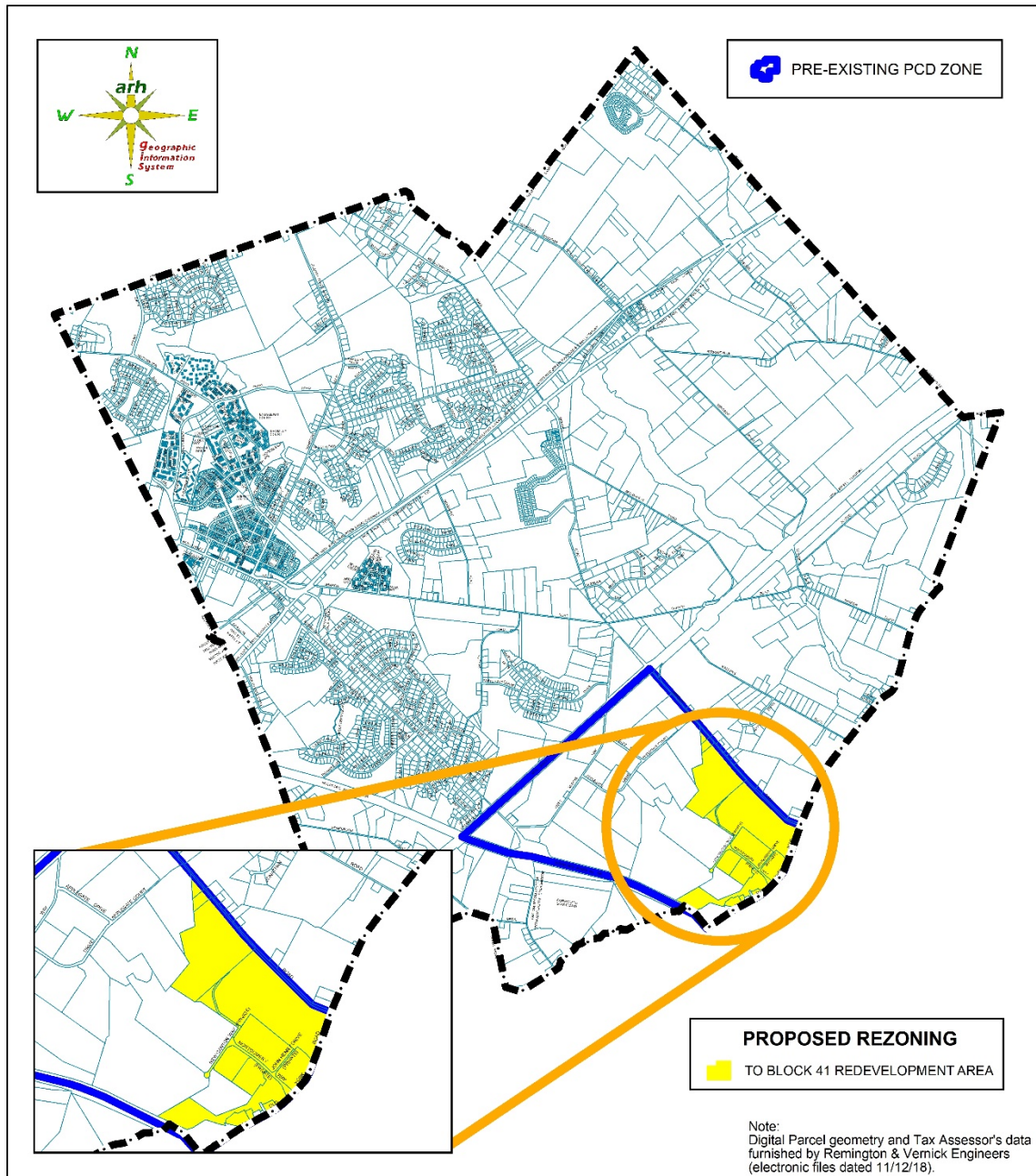


*Township's Land Development Code. Final adoption of this Plan by the Township Council shall be considered an **amendment of the Township of Robbinsville Zoning Map.** [emphasis added]*

It does not appear that the Township's Zoning Map was ever amended to reflect the Block 41 Redevelopment Area.

While a full a review and analysis of the Block 41 Redevelopment Area is addressed in §6.5.23 herein, it is recommended that the Robbinsville Zoning Map be amended to reduce the PCD Zone in favor of the Block 41 Redevelopment Area. This recommendation is graphically depicted on Master Plan Update Map 20A.

F. No additional changes are recommended for the PCD Zoning District.



2020 COMPREHENSIVE
MASTER PLAN UPDATE &
LAND USE PLAN AMENDMENT

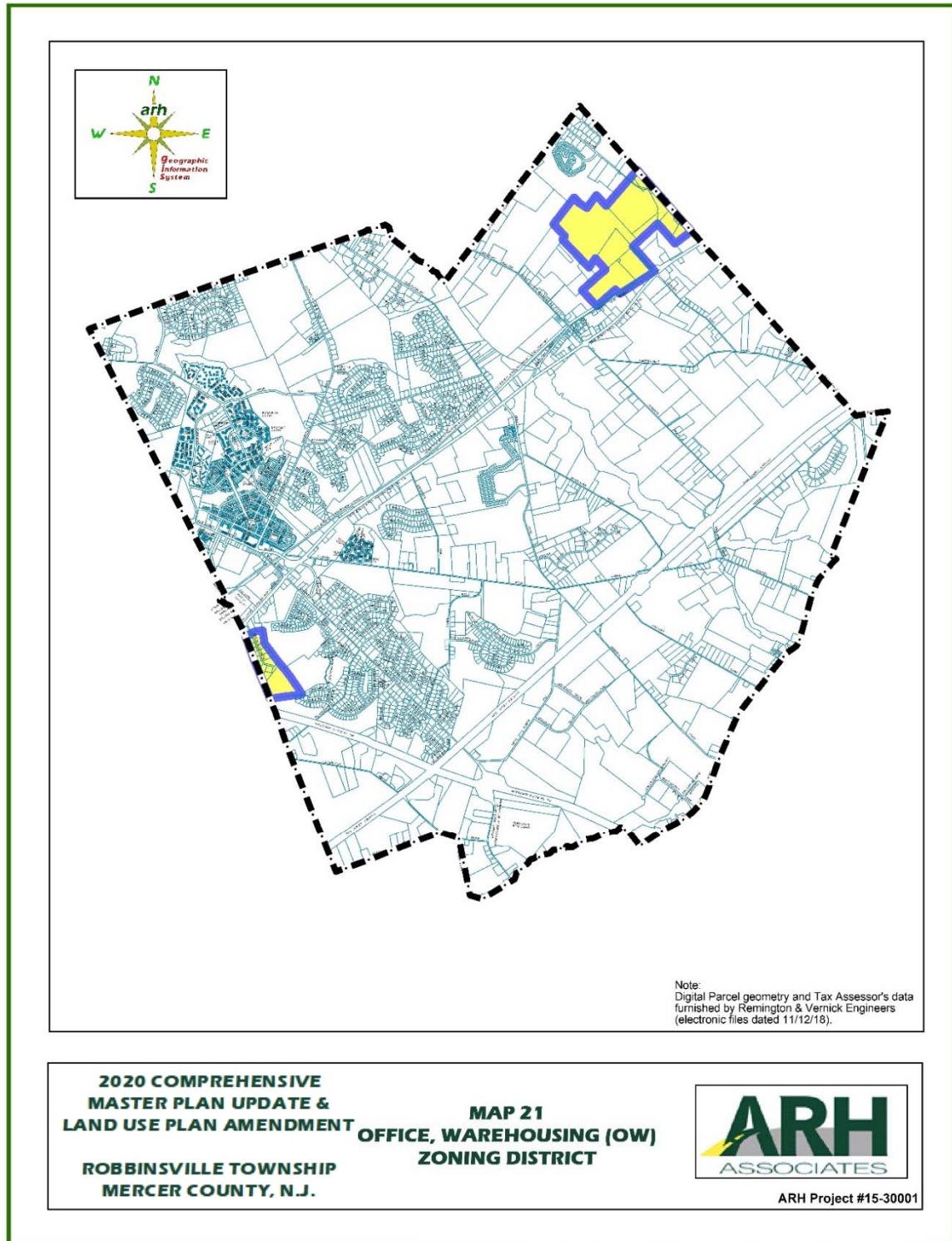
ROBBINSVILLE TOWNSHIP
MERCER COUNTY, N.J.

20A
PROPOSED MODIFICATIONS TO
PLANNED COMMERCIAL
DEVELOPMENT (PCD)
ZONING DISTRICT



ARH Project #15-30001

6.5.13 OFFICE, WAREHOUSING, LIGHT MANUFACTURING (OW) ZONING DISTRICT





- A. The OW Zone covers (approximately) 357.9 acres, equating to 2.7% of the Township.
- B. The OW Zone is governed by §142-26. The Preamble to the OW Zone (§142-26 A.) states:¹⁷³

This Zone recognizes the need for office / warehousing and light manufacturing, and repair shops in the Township. All heavy industry, chemical refining and storage have been expressly omitted.

...there are several isolated residential properties... located in the zone... in such a way as to preclude a separate zone district being created. The intent is to allow [these]... properties to continue... subject to certain bulk requirements... applicable to... [existing] residences at the time of the adoption of [this section].

- C. §142-26 B., C. and D. specify Permitted Principal, Conditional and Accessory Uses in the OW Zone.¹⁷³

Permitted Principal Uses

- *Offices and office buildings.*
- *Light manufacturing.*
- *Wholesale distribution centers and warehouses on properties of at least 5 acres.*
- *Research-industrial parks on tracts of land at least 20 acres in area comprised of the preceding uses.*
- *Farms, as described under the RR Zone District.*
- *Public utility uses.*
- *House of Worship.*
- *Building material supplies and equipment sales.*
- *Contractor shops, offices, and materials and equipment storage areas.*
- *Auto parts and accessories retail and wholesale sales.*
- *Small repair and machine shops, generally employing less than 20 persons on site.*
- *Retail sales and service of large consumer goods, such as furniture, carpeting and appliances.*
- *Office and communication equipment sales and service.*
- *Bulk document, computer data and information storage facilities.*
- *Restaurants, cafes, delicatessens or luncheonettes.*

¹⁷³ Truncated for brevity / clarity. Refer to §142-26 for the full text.

- *Indoor active recreation facilities and sports centers, practice studios / training facilities, health clubs and fitness centers and like and similar types of indoor fitness, recreational, instructional, and therapeutic activities.*
- *Retail and wholesale stores associated with businesses that manufacture, assemble or fabricate goods on site, or warehouse and/or distribute goods from on-site facilities.*
- *Limited Breweries as defined by N.J.S.A. 33:1-10(1)(b).¹⁷⁴*

Permitted Conditional Uses

Single-family residences.

Permitted Accessory Uses

- *Off-street parking.*
- *Fences and walls...*
- *Garages, storage buildings and other customary accessory uses incidental to the principal use.*
- *Temporary Construction Trailers... for the period of construction beginning with the issuance of a building permit and concluding with the issuance of a Certificate of Occupancy or one year, whichever is less, provided that the Trailer... [is] on the site where construction is taking place...*
- *One sign... advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a building permit and concluding with the issuance of a Certificate of Occupancy or one year, whichever is less, provided that the ... sign [is] on the site where construction is taking place...*
- *The keeping of ... livestock, with a minimum of 5 acres for every 2 animals.*

D. Development regulations for the OW Zone are contained in the balance of §142-26.

E. After an in-depth analysis of the land uses within the OW Zone, the following changes are recommended:

1. Hindu American Religious Center

- a. Between December 2008 and September 2019, the Planning Board granted numerous approvals for the creation of a Hindu American Religious Center on Block 14, Lots 30, 34 and 42 (since merged into Lot 42.01) in the OW Zone District.

¹⁷⁴ N.J.S.A. 33:1-10 permits the Division of Alcoholic Beverage Control to issue a "limited brewery license," which permits breweries to brew and sell malt alcoholic beverages in limited quantities (i.e. microbreweries). The holder of a limited brewery license is authorized to sell malt alcoholic beverages at retail to consumers on the licensed premises in connection with a tour of the brewery.

Known locally as the BAPS Swaminarayan Akshardahm¹⁷⁵, the complex consists of 7 buildings with (approximately) 860,000 s.f. of interior space on (approximately) 167.56 acres. The architecture is nothing less than breathtaking.

Specific uses include:

- A Religious Assembly Hall;
- A Prayer Hall and Rectory;
- Kitchen and dining space;
- Yoga and recreation space;
- A Welcome Center and administrative offices;
- A Youth Center;
- A Mahamandir (House of Worship);
- A Parikrama (covered walkway around the Mahamandir);
- A Hindu Learning Center;
- A gift and souvenir shop with storage; and
- Associated amenities

Construction of the Religious Assembly Hall and Prayer Hall commenced in early 2010. In 2012, the Religious Assembly Hall was opened to the public and numerous charitable activities including health fairs, blood donation drives and Walkathons benefitting local Robbinsville organizations were initiated.

A consecration ceremony of the Prayer Hall was held in August 2014 in the presence of His Holiness Pramukh Swami Maharaj (spiritual leader of the worldwide BAPS community), senior swamis and devotees from across the globe.

¹⁷⁵ In Sanskrit, Mandir means a place where the mind becomes still and experiences inner peace.

Since Vedic times, India's sages have been enlightened with profound spiritual truths that served as basis of their rituals, philosophies, scientific discoveries and religious faith. As an expression of their spiritual faith, the yogis evolved and created beautiful Mandirs to uphold these traditions.

In a similar token, this Mandir aims to serve as a place of understanding and appreciation of India art, culture and religion for generations to come. It stands as a sanctuary for countless men and women, who sustain their culture and heritage in the form of arts, language, music, and spiritual learning.

(<https://www.baps.org/Global-Network/North-America/Robbinsville/Mandir-Info.aspx>)

- b. Since its opening, it has become apparent that the Akshardahm is more than a Place of Worship and community center. It is a unique facility for the Hindu community that draws worshipers from around the country. The ability of the Akshardahm to attract visitors is evidenced by the thousands of attendees to the festivals and religious services this young facility hosts.

The Faith-based Tourism¹⁷⁶ made possible by the Akshardahm is viewed by the Township as a significant economic generator, with ancillary or “spin-off” development including hotels, restaurants, clothing and gift shops, housing and other as yet unidentified uses.

While it is too early to determine the impact that the Akshardahm may have on the lands within its “sphere of influence”, this Master Plan Update recommends that the Township and its planners be prepared to adjust Zoning and land use controls around the site ~ especially along Route 130 ~ in order to maximize the benefits that the Akshardahm may bring to the Township.

- c. The Faith-based Tourism that is anticipated to be generated by the Akshardahm may be expected to result in increased traffic to the area, especially along the Route 130 corridor. As with land uses, it is too early to determine the impact that the Akshardahm may have on traffic within its “sphere of influence”, this Master Plan Update recommends that the Township and others responsible for traffic management in the region be prepared to respond to increased congestion ~ especially along Route 130 ~ in order to minimize the impacts that the Akshardahm may bring to the Township.

2. It is recommended that “*Light manufacturing*” be revised to read “*Light manufacturing and assembly uses as defined herein*” and that the definition of “*Light Manufacturing*” found in the PCD Zone be employed.

¹⁷⁶ Also referred to as Religious Tourism, Cultural Tourism, Heritage Tourism, Spiritual Tourism and similar names. Such sites are not only visited by pilgrims but also by non-religious tourists interested in sites with cultural, historical and religious significance.



3. While “farms, as described under the RR Zone District” are incompatible with the intent of the OW Zone, “Agritecture”¹⁷⁷ is recommended as an appropriate permitted use in this Zone.
4. In order to provide consistency among similar uses in similar Zones, it is recommended that:

Indoor active recreation facilities and sports centers, practice studios / training facilities, health clubs and fitness centers and like and similar types of indoor fitness, recreational, instructional, and therapeutic activities.

be revised to read:

Indoor and outdoor active and passive recreational uses and facilities, including, health and fitness centers, gymnasiums, tennis and racquetball courts and like and similar uses.

5. “Temporary Construction Trailers” are a typical feature of development projects and should therefore be permitted in all zones where development will take place. It is recommended that this language be eliminated as an Accessory Use in the OW Zone and added to §142-62 (Temporary Uses).
6. Temporary Construction Signs¹⁷⁸ are similarly a typical feature of development projects and should therefore be permitted in all zones where development will take place. Such signs are addressed in §142-48 (3) as “signs [that] are exempt from the need to secure zoning and construction permits.” It is recommended that the language be eliminated as an Accessory Use in the OW Zone and combined as appropriate with the language in §142-48 (3)(g).

¹⁷⁷ Defined for the purposes of this Master Plan Update as the process of infusing agriculture into a built environment to maximize plant growth using indoor hydroponic or aeroponic systems and vertical spaces to maximize yield.

While commonly thought of as “Urban Agriculture”, such term congers images of rooftop gardens, wall gardens or gardening in the small spaces between buildings or vacant lots. While such uses are not discouraged, Agritecture in the OW Zone is envisioned as a mass production, industrialized use.

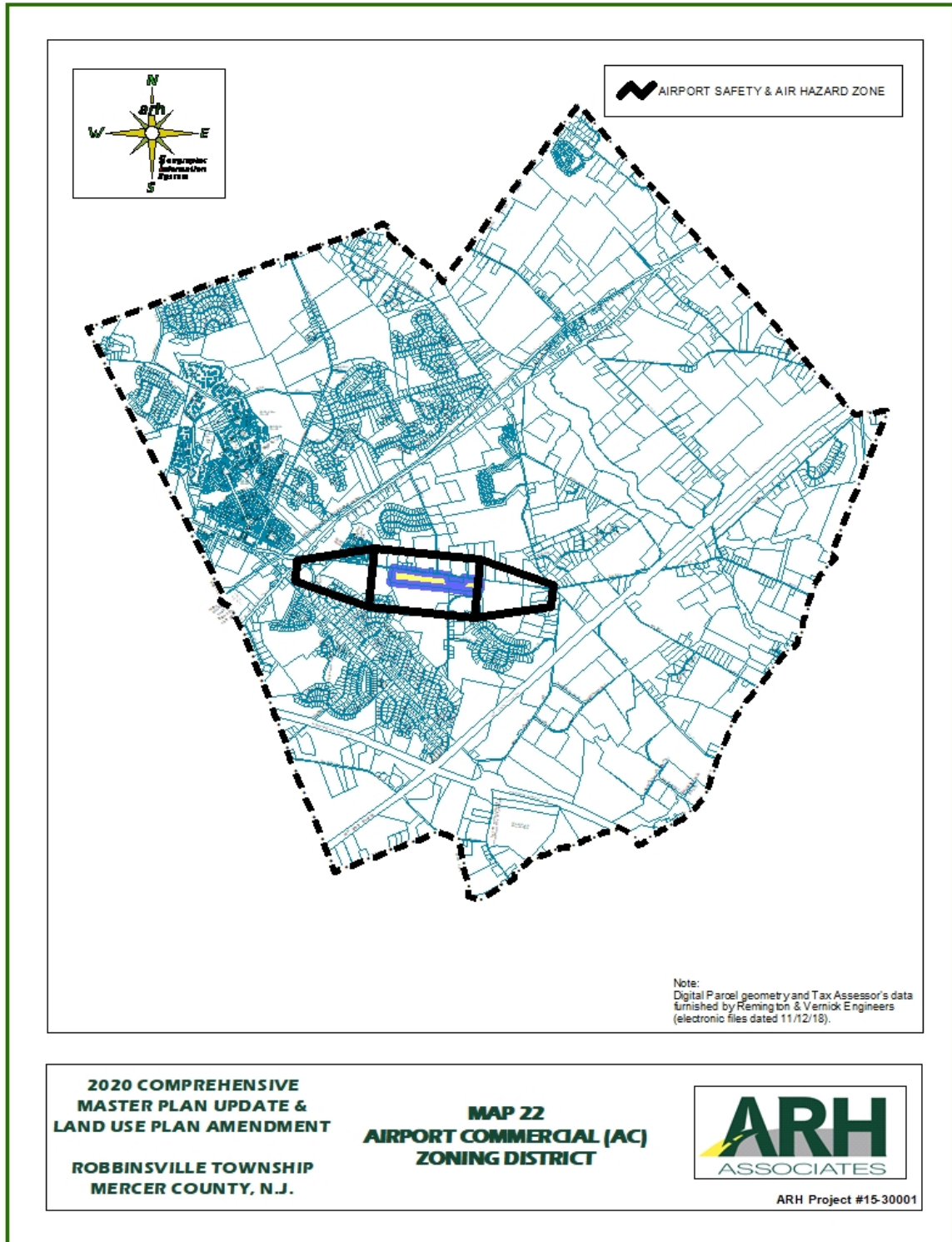
For the purposes of this Comprehensive Master Plan Update, and unless and until policy has been established by the Governing Body, Agritecture, in whatever form or manner described, shall not include the growing, processing, manufacturing or dispensing of medicinal or recreational marijuana, cannabis, or like or similar regulated substance.

¹⁷⁸ “...advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction...”



7. *"The keeping of ... livestock..."* is incompatible with Office or Warehouse uses and should therefore be eliminated as Permitted Principal Uses in the OW Zone.
 8. The "OW" acronym used to describe the *"Office, Warehousing, Light Manufacturing"* Zone is inconsistent with the Zone name. It is therefore recommended that the acronym be changed to "OWLM".
- F. No additional changes are recommended for the OW Zoning District.

6.5.14 AIRPORT COMMERCIAL (AC) ZONING DISTRICT



- A. The AC Zone covers (approximately) 42.3 acres, equating to 0.3% of the Township.
- B. The AC Zone is governed by §142-27. §142-27 B. and C. specify Permitted Principal and Accessory Uses in the AC Zone.¹⁷⁹

Permitted Principal Uses

Airport runway(s), taxiways, aprons and all other aircraft operational areas, including necessary aircraft navigational aids and air traffic control devices as prescribed and approved by the New Jersey Department of Transportation airport licensing standards.

Permitted Accessory Uses

- *Facilities for the shelter, supply, service and repair of aircraft (hangars) and space for aircraft tie-downs.*
- *Other facilities to shelter fixed base operators and other airport-related uses to service air passengers, ground school classrooms, etc.*
- *Off-street parking.*

- C. After an in-depth analysis of the land uses within the AC Zone, the following are recommended:

1. Development regulations for the AC Zone are contained in the balance of §142-27. §142-27 D. provides that:

The Airport, or any change in the facilities and equipment of the Airport, shall comply with all pertinent regulations, rules and orders of the Division of Aeronautics of the New Jersey Department of Transportation and the Federal Aviation Administration governing design and minimum dimensional standards established for the appropriate class of Airport. In addition, the following requirements of shall apply [omitted for brevity].

Accordingly, land use regulation in the AC Zone is largely beyond the jurisdiction of the Township. No regulatory changes are therefore recommended.

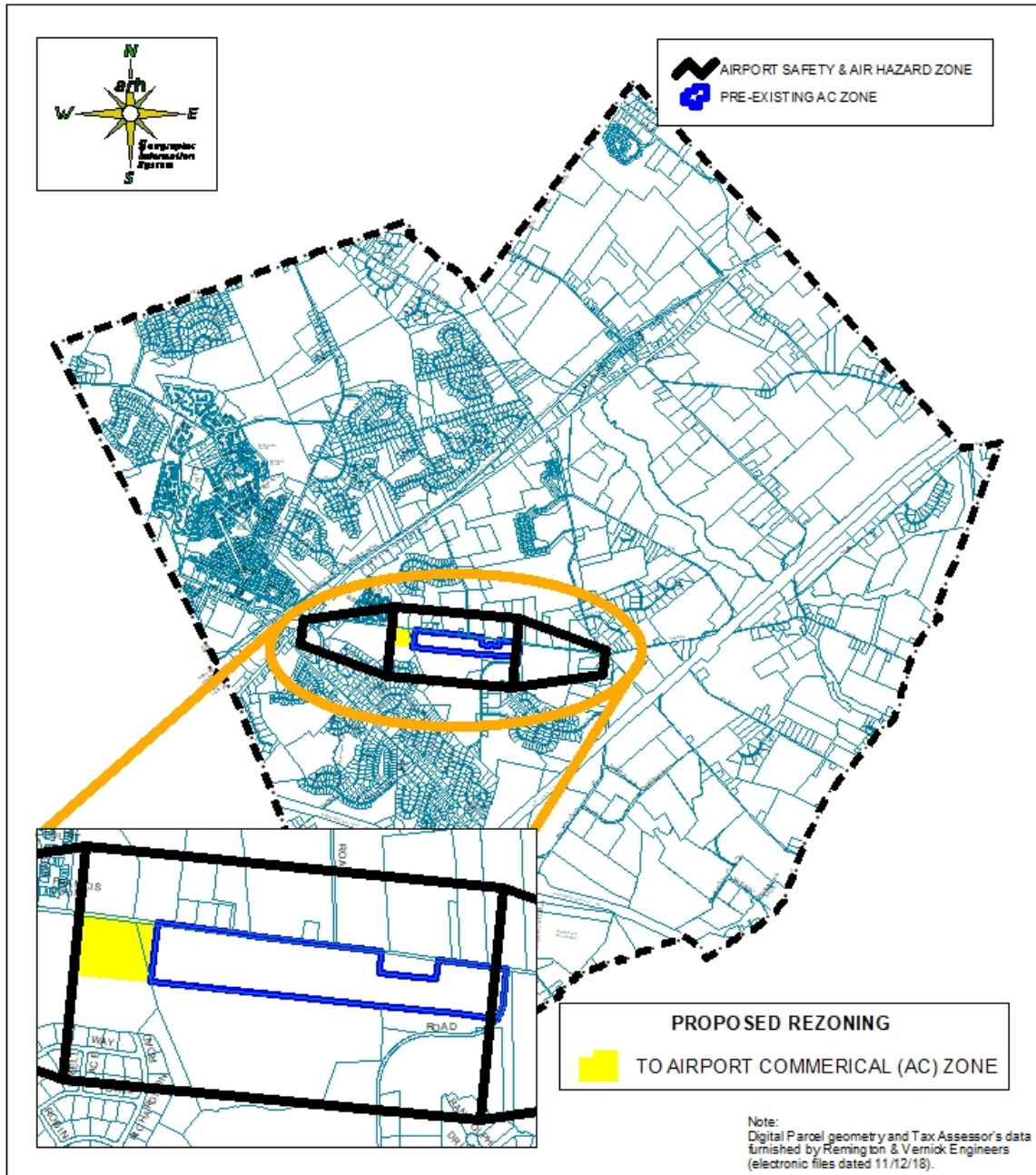
2. The boundary of the AC Zone does not include the entirety of the physical Airport.

¹⁷⁹ Truncated for brevity / clarity. Refer to §142-27 for the full text.

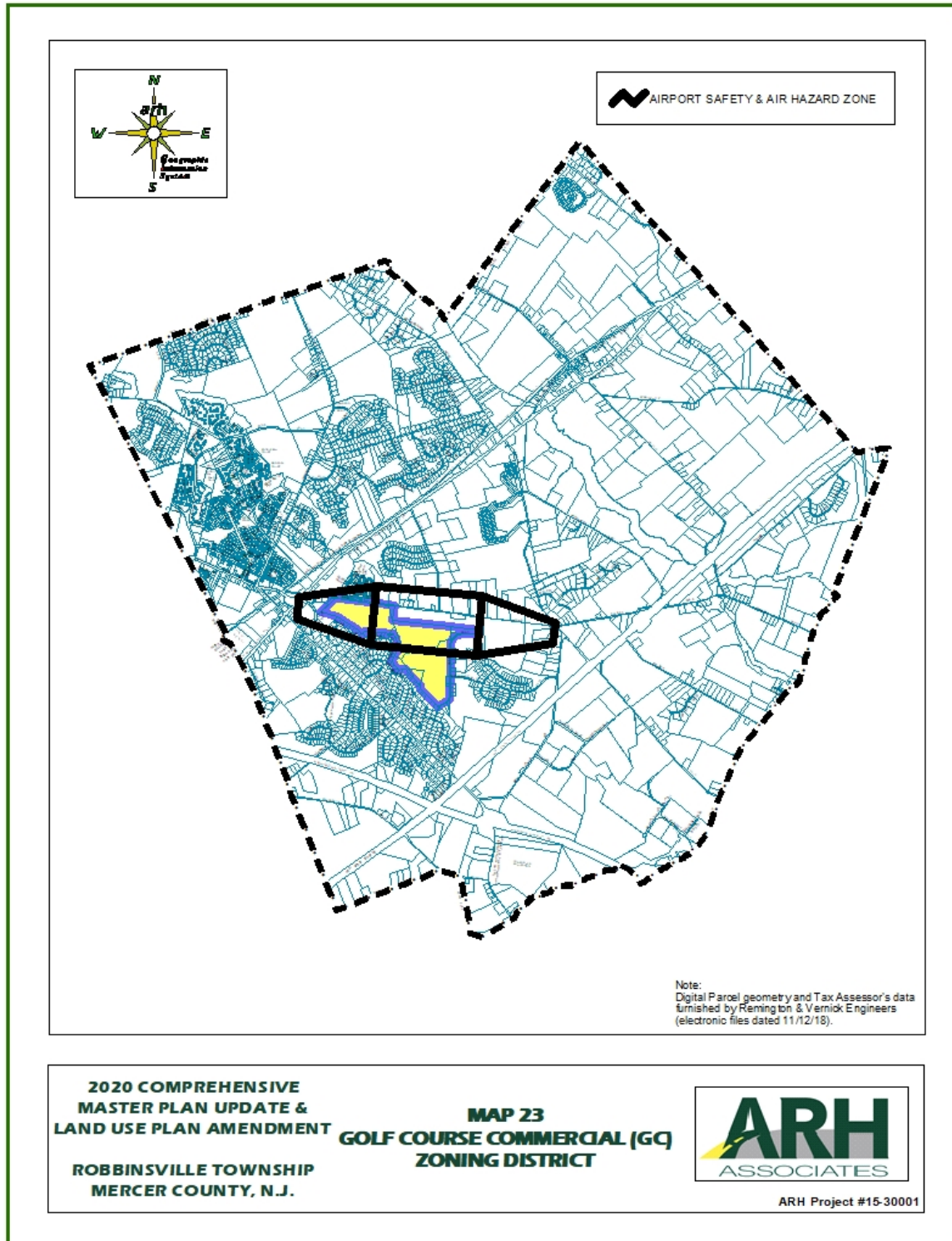


It is therefore recommended that the AC Zone be expanded to encompass all Airport lands. This recommendation is graphically depicted on Master Plan Update Map 22A.

3. This Master Plan Update recognizes that while the use of the AC Zone is limited to Airport and Airport Support uses, the “Airport Commercial” designation suggests other commercial activity is permitted. It is therefore recommended that the “Airport Commercial (AC)” designation be revised to “Airport (A)”.
- D. No additional changes are recommended for the (former) AC (proposed to be renamed A) Zoning District.



6.5.15 GOLF COURSE COMMERCIAL (GC) ZONING DISTRICT



- A. The GC Zone covers (approximately) 197.8 acres, equating to 1.5% of the Township.
- B. The GC Zone is governed by §142-29. §142-29 A. and B. specify Permitted Principal and Accessory Uses in the GC Zone.¹⁸⁰

Permitted Principal Uses

Commercial Golf Courses

Permitted Accessory Uses

- Locker rooms, clubhouses and pro shops.
- Restaurants and snack bars (nightclubs or discotheques are not permitted).
- Swimming pools and tennis courts.
- Off-street parking.
- Fences and walls.
- Garages, storage buildings and sheds and other customary accessory uses incidental to the principal use.

- C. In March 2019, the Township acquired the 158.5-acre Spring Garden Country Club (a.k.a. Miry Run Golf Course). While the Township's intent is to use the site for active and passive, open-air and indoor recreation ~ as well as supporting offices, the precise uses have not been confirmed.

Since the lands will no longer be used as a golf course, the GC Zoning designation and the Permitted Principal Use under §142-29 are no longer applicable. This Master Plan Update therefore recommends that the GC-Zone lands outside of the Air Safety and Air Hazard (AS) Zone (below) be rezoned Conservation (CONS).

- D. Certain lands within the GC Zone fall within the Air Safety and Air Hazard (AS) Zone. For the reasons detailed in §6.5.1 F.5 herein, it is recommended that GC Zoning be eliminated from the lands under the AS Zone.¹⁸¹

- E. As detailed in §6.5.14 herein, a portion of the GC Zone encompasses the physical confines of the Airport. It is therefore recommended that these lands be rezoned to AC.

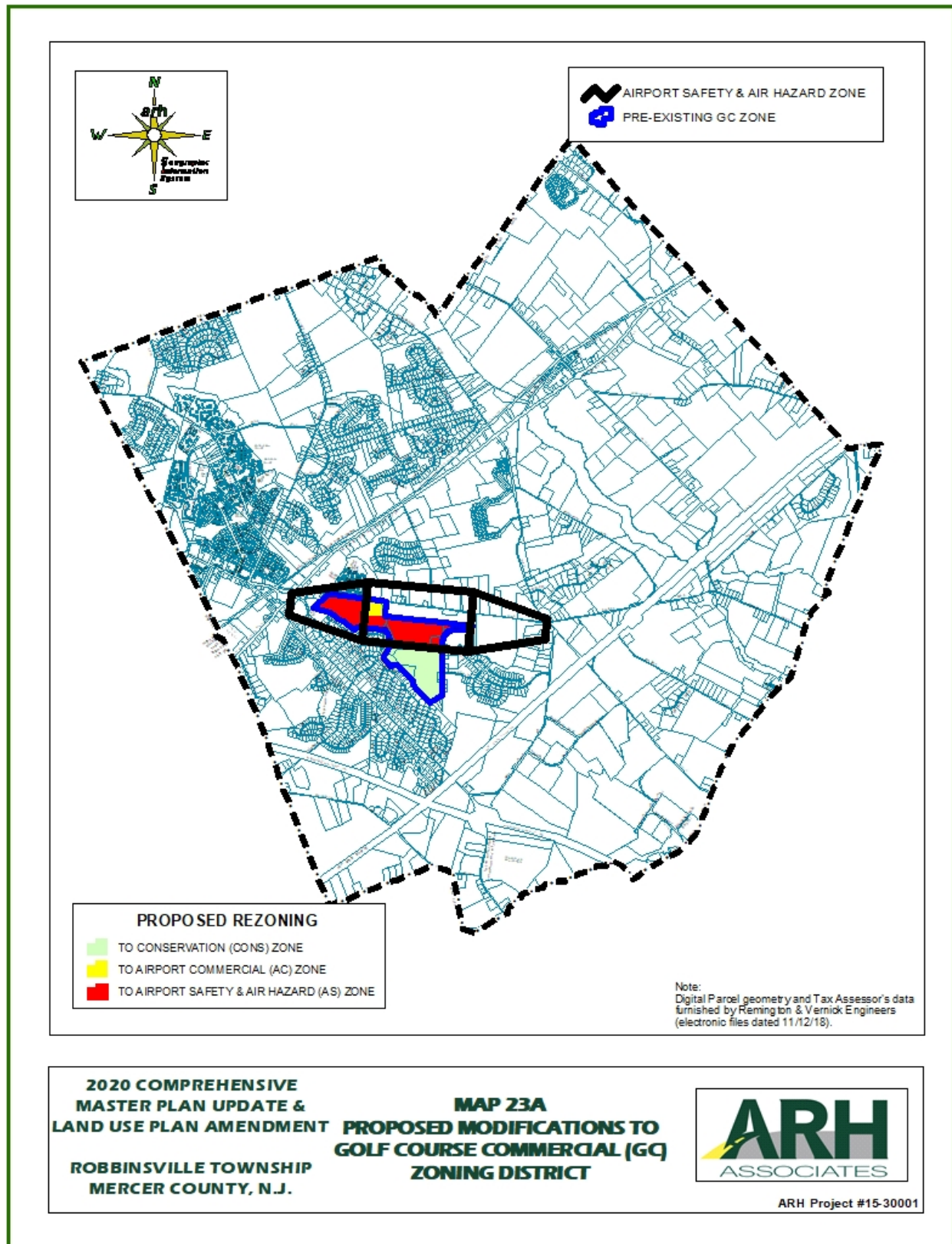
¹⁸⁰ Truncated for brevity / clarity. Refer to §142-29 for the full text.

¹⁸¹ Issues related to the AS Zone are addressed in §6.5.21 of this Master Plan Update.

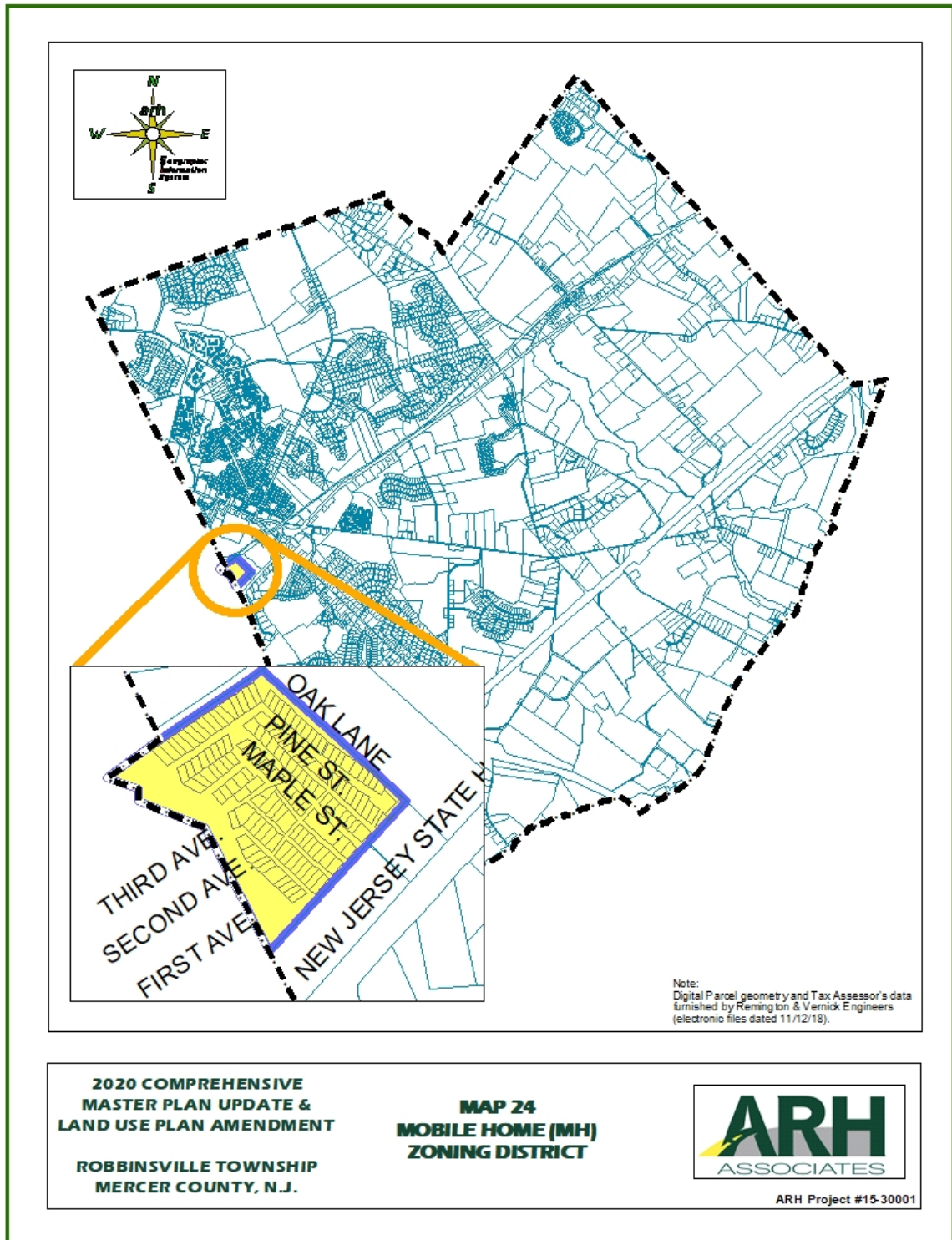


Recommendations C. D. and E. are graphically depicted on Master Plan Update Map 23A.

F. No additional changes are recommended for the GC Zoning District.



6.5.16 MOBILE HOME (MH) ZONING DISTRICT



- A. The MH Zone covers (approximately) 16 acres, equating to 0.1% of the Township.
- B. The MH Zone is governed by §142-30. §142-30 A. and B. specify Permitted Principal and Accessory Uses in the MH Zone.¹⁸²

Permitted Principal Uses

Mobile homes in mobile home parks for which site plan approval has been obtained.

Permitted Accessory Uses

- *Recreational areas and facilities, including public swimming pools, tennis courts and other facilities intended to serve the residents of the mobile home park exclusively.*
- *A community building intended to serve residents of the mobile home park exclusively.*
- *A management office.*
- *Off-street parking.*
- *Fences and walls (see §142-36 for additional standards).*
- *Sheds.*

- C. Development regulations for the MH Zone are contained in the balance of §142-30.
- D. In March 2019, Robbinsville took ownership of the 149-pad Mercer Mobile Home Park ~ the lands and residential units of which were in varying states of repair ~ with the intention of upgrading (redeveloping) the Park infrastructure and making other needed repairs; and to use the Park to satisfy the Township's Affordable Housing Obligation.

In order to facilitate this goal, this Master Plan Update recommends a review of the existing Area and Yard Requirements (§142-30 C.) and General Requirements (§142-30 D.) for the MH Zone in order to optimize the use of the Mobile Home Park for the Township and ensure decent, safe and sanitary Mobile Home units for individual Park residents.

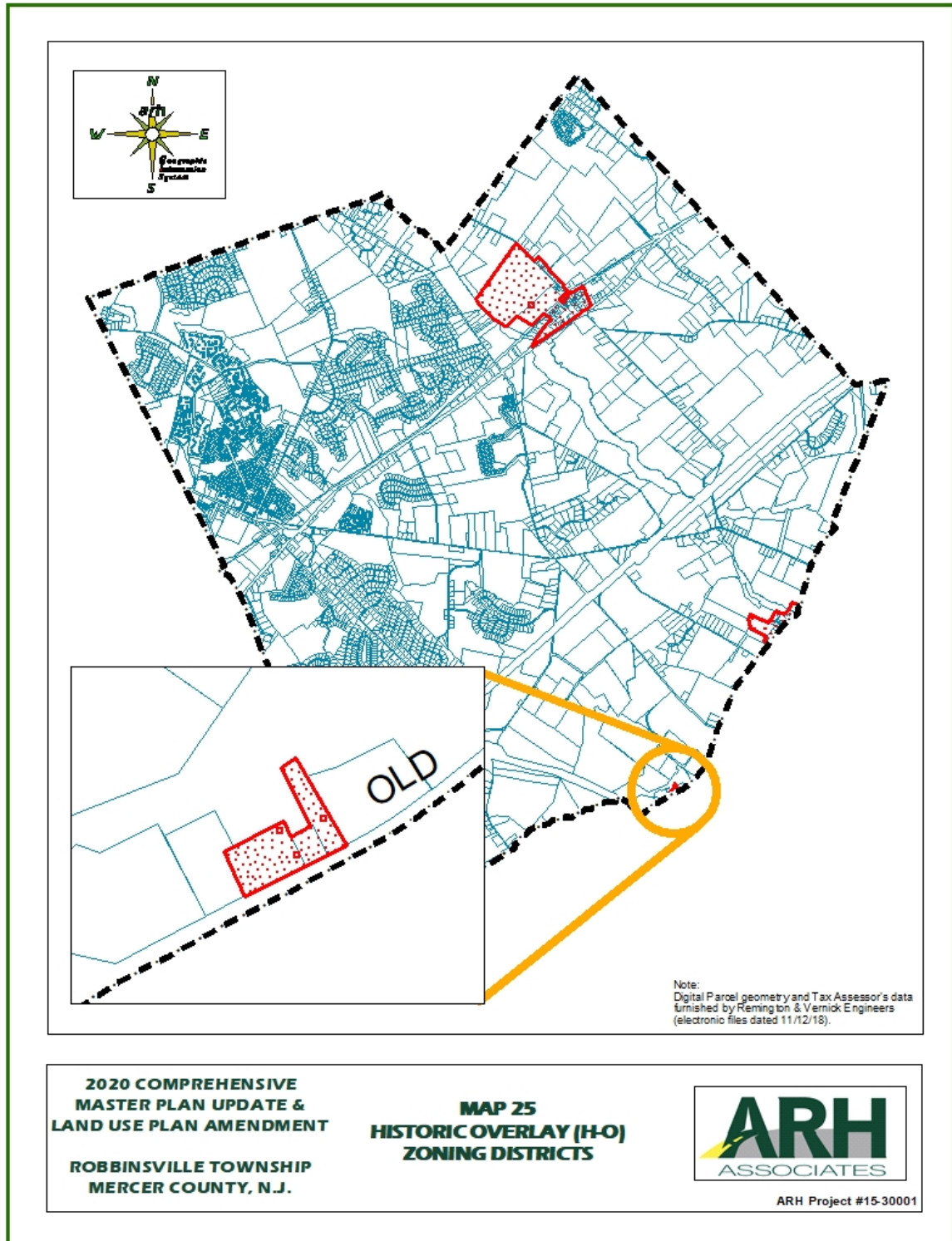
Within this context, regulations should be revised to permit:

¹⁸² Truncated for brevity / clarity. Refer to §142-30 for the full text.



1. The renovation of existing Mobile Homes in their current locations and the replacement of older, outdated units;
 2. The redesign of the existing Mobile Home Park (i.e., relocation / reorientation of Mobile Home pads) in order to provide for the most efficient and effective provision of utility systems (including, but not limited to, the Park's sanitary sewer system ~ which is old and is in need of repair and/or substantial maintenance) and to bring the Park and the individual units therein to modern (code) standards; and
 3. The redesign of the existing Mobile Home Park (i.e., relocation / reorientation of Mobile Home pads) in order to improve access to emergency services and apparatus and thereby maximize public safety.
- E. No additional changes are recommended for the MH Zoning District.

6.5.17 HISTORIC OVERLAY (H-O) ZONING DISTRICT



- A. The H-O Zone covers (approximately) 218.9 acres, equating to 1.7% of the Township.
- B. Rather than a geographic area, the H-O Overlay is established¹⁸³ as the following specific Blocks and Lots:
- Village of Windsor:
 - Block 10, Lots 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54 and 55;
 - Block 11, Lots 1.01, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37;
 - Block 12, Lots 1.01, 3, 4, 5, 6, 6.01, 6.02, 7, 8, 9.01, 9.02, 10 and 11;¹⁸⁴
 - Block 13, Lots 1, 2, 3, 4, 21, 22, 23, 24, 25, 26.01, 28.01 and 31; and
 - Block 14, Lots 2.01, 2.02, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 70, 75 and 75.01.
 - Hamlet of New Sharon:
 - Block 44, Lots 11, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 37, 39, 40, 44 and 45.
 - Hamlet of New Canton:
 - Block 41, Lots 9, 10 and 23.
- C. The H-O Overlay is governed by §142-30.1. §142-30.1 A. states the Purpose of the Overlay is to:¹⁸⁵

...implement the Historic Preservation Element of the Master Plan [which is intended] to protect, enhance and perpetuate especially noteworthy examples or elements of the Township's historic character and environment in order:

- *To safeguard the heritage of the Township by preserving resources which reflect elements of its cultural, social, economic, architectural and agrarian history;*
- *To encourage the continued use of historic sites and to facilitate their appropriate use;*
- *To maintain and develop an appropriate and harmonious setting for the historic and architecturally significant buildings, structures, site objects,*

¹⁸³ §142-30.1 B.

¹⁸⁴ While included in the H-O Overlay under §142-30.1 B., Block 12, Lot 11 addressed on the Township's Parcel Map / MOD IV data as an "additional lot" with Lot 10

¹⁸⁵ Truncated for brevity / clarity. Refer to §142-30.1 for the full text.



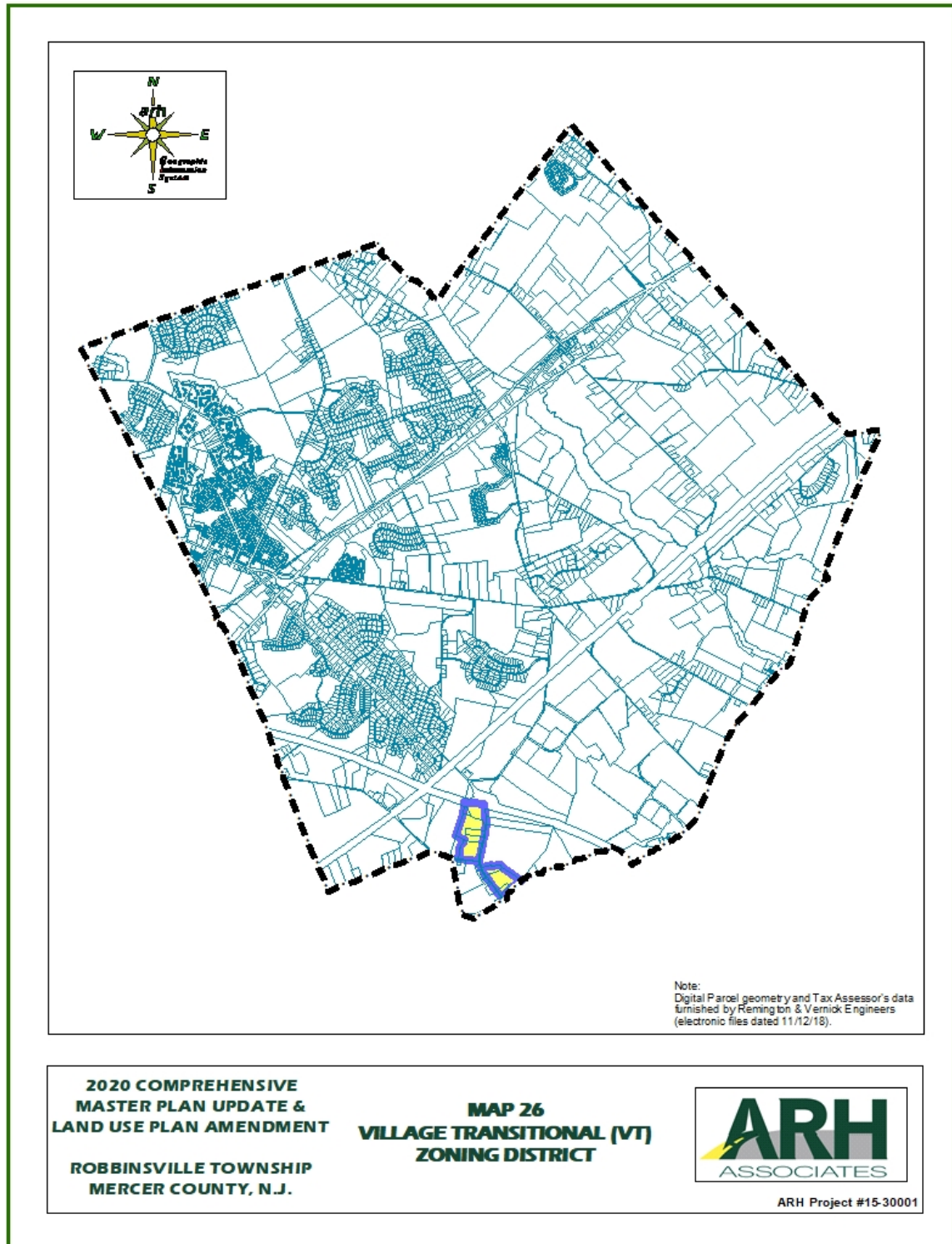
hedgerows, vistas, and tree stands within the Township;

- *To manage change by preventing alteration / new construction not in keeping with any Historic District;*
- *To discourage the unnecessary demolition of historic and cultural resources; and*
- *To promote the conservation of historic and cultural resources.*

D. Regulations governing the H-O Overlay, including *Definitions*, the *appointment* and *responsibilities* of the *Historic Preservation Subcommittee*, *Criteria for Review* and *Penalties* are contained in the balance of §142-30.01.

E. Recommendations concerning the H-O Overlay are addressed within the context of recommendations for the H-1 and H-2 Zones (§6.5.5 herein).

6.5.18 VILLAGE TRANSITIONAL (VT) ZONING DISTRICT



- A. The VT Zone covers (approximately) 71.7 acres, equating to 0.5% of the Township.
- B. The VT Zone is governed by §142-30.2. The Purpose and Intent of the VT Zone (§142-30.2 B.) states:¹⁸⁶

[The] VT Zone District is part of an effort to ensure the appropriate development and treatment of the remaining commercially viable gateways in the Township. While the VT Zone District supports commercial development within the Wittenborn Gateway, every effort should be made to preserve or adaptively reuse the existing farmhouse and to incorporate the open vistas.

- C. §142-30.2 C., D. and E. specify Permitted Principal, Accessory and Conditional Uses in the VT Zone.¹⁸⁶

Permitted Principal Uses

- *Business and professional offices, including medical offices and medical facilities.*
- *Banks and other financial institutions, excluding check-cashing businesses, but including automated teller machines (ATM) and drive-through facilities [provided that such a facility does not adversely impede or conflict with pedestrian and/or vehicular circulation on the site. Where permitted, drive-through facilities]:*
 - *Shall be compatible with the design of a building and shall be appropriately located at the side or rear of a building.*
 - *Shall be positioned and screened with architectural walls to minimize its visibility and may be located under upper-story floors, including cantilevered floors.*
 - *Shall be permitted only at locations where such a facility is not a dominant visual element, such as... between neighboring buildings.*
 - *Shall be provided with landscaping to visually enhance views of the facility, signage and driveways as seen from the surrounding area.*
- *Farms.*
- *Conservation areas, parks and public-purpose areas.*
- *Single-family detached dwellings... in existence at... adoption of this section ... in accordance with the standards set forth in the RR District.*

Where Sanitary Sewerage is Not Available

Self-storage facilities....

¹⁸⁶ Reordered and truncated for brevity / clarity. Refer to §142-30.2 for the full text.

Where Sanitary Sewerage is Available

- *Specialty retail: a small boutique store and not something similar to a strip mall.*
- *Personal service establishments, such as but not limited to barbershops, beauty salons, shoe repair and dry cleaners, provided no cleaning is conducted on the premises.*
- *Product service establishments, having as their primary function the servicing or repair of a product, including, but not limited to, the repair and servicing of shoes, audio and visual equipment, appliances, jewelry and watches. Motor vehicular repair, maintenance and/or body shops are not permitted.*
- *Restaurants, banquet and similar food establishments.*
- *Medical and scientific research facilities, including laboratories, offices, outpatient facilities and administrative areas.*
- *Bed-and-breakfast establishments, conference and retreat center.*
- *Veterinary hospital.*
- *Indoor recreational facilities, such as instructional studios, dance and ballet studios, and fitness centers.*
- *Flex / office space.*
- *Private/nonpublic schools including residential schools.*
- *Short-term and long-term health care facility.*

Permitted Accessory Uses

- *Off-street parking.*
- *Fences and walls.*
- *Recreational and/or open space facilities, including, but not limited to, walkways, courtyards and plazas.*
- *Signs*
- *Street furniture, street/shade trees, planters and trash receptacles.*
- *Sidewalk cafes (outdoor seating) associated with permitted restaurants.*
- *Temporary Construction Trailers... for the period of construction beginning with the issuance of a building permit and concluding with the issuance of a Certificate of Occupancy or one year, whichever is less, provided that the Trailer... [is] on the site where construction is taking place...*
- *One sign... advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a building permit and concluding with the issuance of a Certificate of Occupancy or one year, whichever is less, provided that the ... sign [is] on the site where construction is taking place...*
- *All accessory uses permitted in the RR District ... for existing single-family detached dwellings.*



Permitted Conditional Uses

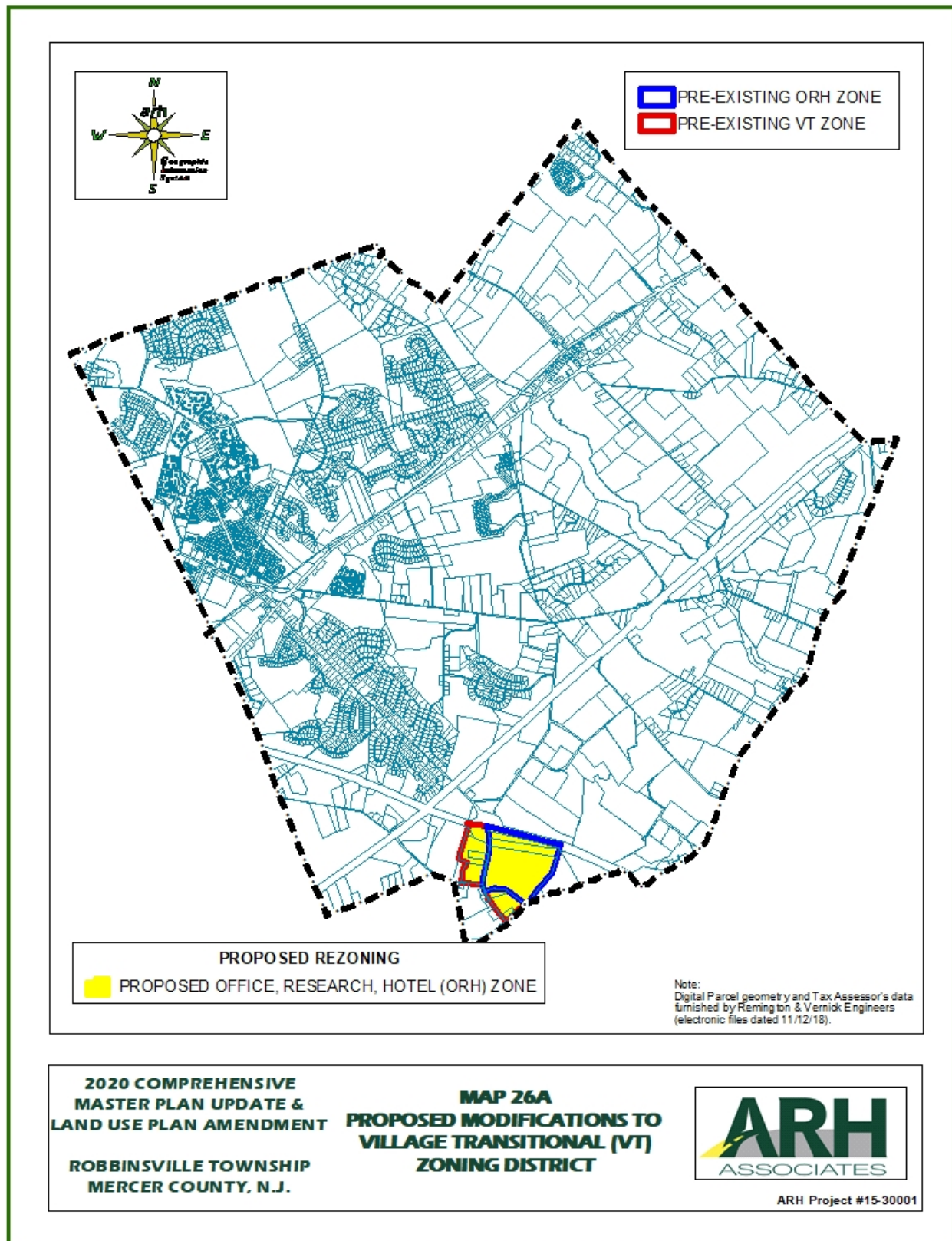
- *Nursery schools and day-care centers.*
- *House of Worship.*

- D. Development regulations for the VT Zone, including *Height Limitations, Performance and Design Standards, Architecture, Exterior Spaces, Pedestrian Circulation and Walkways, and LEED¹⁸⁷ issues* are contained in the balance of §142-0.2.
- E. An in-depth analysis of the land uses within the VT Zone finds that the use-mix could lead to vastly incompatible neighboring development. Given the Purpose and Intent of this Zone to “*ensure the appropriate development... of ... commercially viable gateways in the Township,*” it is recommended that the VT Zone be eliminated and absorbed into the neighboring ORH Zone (§6.5.11 herein).

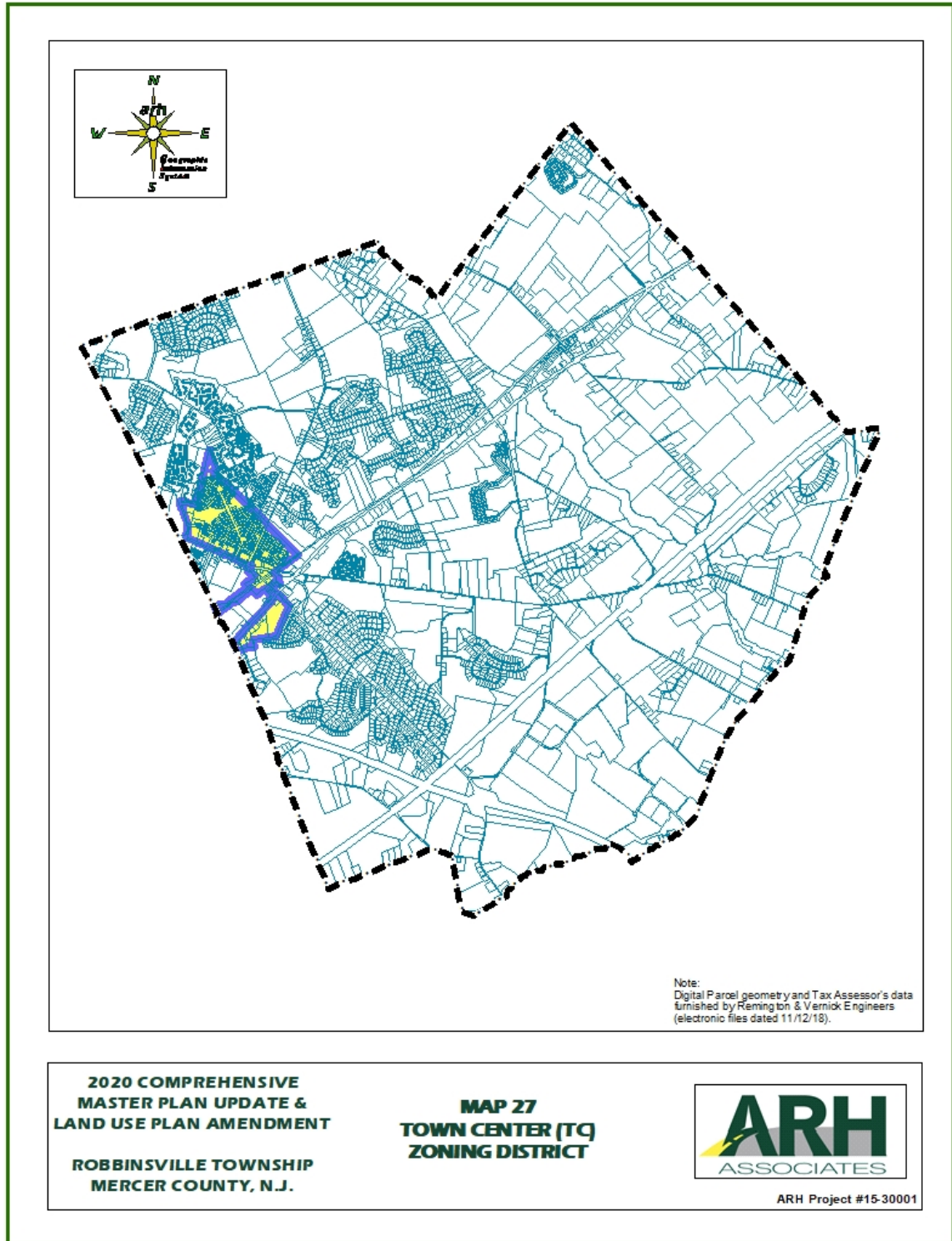
The goal of the VT Zone to “*reserve or adaptively reuse the existing farmhouse and to incorporate the open vistas*” remains and should be incorporated into ORH Zone language as appropriate.

This recommendation is graphically depicted on Master Plan Update Map 26A.

¹⁸⁷ Leadership in Energy and Environmental Design



6.5.19 TOWN CENTER (TC) ZONING DISTRICT



A. The TC Zone covers (approximately) 290.9 acres, equating to 2.2% of the Township.

B. The TC Zone is governed by §142-39. The Legislative Intent of the TC Zone (§142-19 A.) and supportive Policy Statements (§142-19 BA.) state:¹⁸⁸

- *[§142-19] is intended to create the standards and requirements for the Town Center... The Governing Body seeks to create a mixed-use district comprised of a variety of housing stock; commercial; public and quasi-public uses; and open space areas designed to serve as both passive and active amenities to the Zone District.*
- *The Town Center District is also intended to integrate newly developed lands... with existing properties in and around the existing Village of Robbinsville, some of which are presently commercial and some of which are residential. It is intended that most of these existing properties will eventually be converted to commercial mixed-use or commercial / office / retail urban apartments.*
- *[The following] policy statements... are to be considered in reviewing all development applications involving lands located in the Town Center. Requests for variances, waivers or deviations from the ordinance provisions of this section shall be evaluated in the context of the impact the same may have on [these] Policy Statements.*
 - *Develop a new Town Center which reflects the traditional character of this evolving rural Township.*
 - *Encourage innovative mixed-use and multiple-use plans so that housing demand for varying age groups, families and income levels may be met by greater variety in type, design, and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings. To that end, the goal is to create smaller lots than presently exist in the Township to accommodate single-family detached units, duplexes, and townhouses. Apartment / flats are encouraged above commercial and office uses, which are to be integrated into the plan.*
 - *To require whenever possible the interconnection of existing and proposed uses so as to create integrated neighborhoods and a greater sense of community by using design techniques that provide for modified deflected street patterns with radial and axial streets.*
 - *Provide a layout of streets and open space edges which encourage pedestrian interconnections to the Town Center civic and commercial uses within 1,500' walking distance to the Center.*

¹⁸⁸ Truncated for brevity / clarity. Refer to §142-19 for the full text.

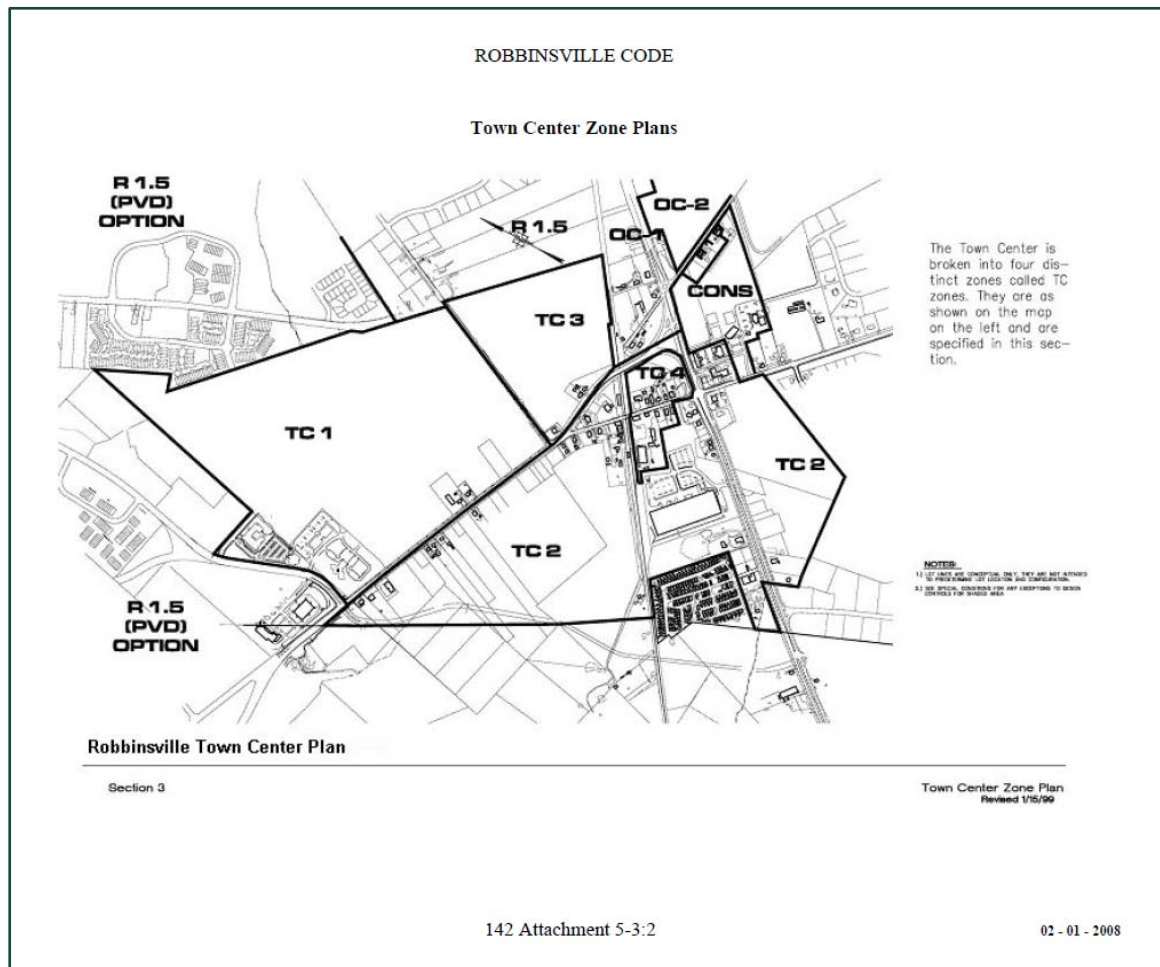
- *Provide a clearly articulated and rationally designed open space system which consists of both integrated and peripheral active and passive parks and which furthers the goals [as articulated].*
- *Extend greater opportunities for housing, commercial, recreation and care facilities to all residents of the Township.*
- *To encourage a more efficient use of land and public services by directing development in a pattern that resembles traditional mixed-use, multiple-use Town Center with varied housing types.*
- *Provide an approval procedure which will require the development to relate the type, design, and layout of residential development on any site to the surrounding environs and context, and to the Township's goal of encouraging neo-traditional residential / mixed-use development in a manner sensitive to the preservation or enhancement of property within existing residential areas.*
- *Establish policies and procedures intended to promote flexibility for the marketability of unit types while requiring the maintenance of the underlying integrity of the plan in an efficient and expedient forum.*
- *Allow for the directing of additional development to Town Center in an effort to preserve the remaining rural, historic, and agricultural character of the community.*
- *Promote land development practices which will promote the public health, safety and welfare by creating a Town Center as an alternative to conventional, modern, use-segregated developments, such as larger lot suburban subdivisions and strip commercial developments.*
- *Establish a street and path network which accommodates an integrated multi-modal transportation system with the intent of providing safe pedestrian connections...*
- *Alleviate undue traffic congestion by reducing excessive Sprawl... and the segregation of land uses which result in the inefficient use of land and which necessitates the use of private vehicles.*
- *Discourage uses and design patterns which... contribute to traffic congestion through the dependence on private automobiles.*
- *Discourage generic, modern suburban development that bears no relation to the historic development pattern of Mercer County while promoting the creation of new neighborhoods and developments that exhibit the design features of traditional neighborhoods and small towns in Mercer County.*
- *Promote the creation of places which are oriented to the pedestrian, promote citizen security and social interaction.*
- *Establish community "greens" which act as focal points of activity and interaction for both commercial and residential neighborhoods.*

- *Promote developments with visual and spatial characteristics as expressed in the [Town Center] Regulating Plans and Site Plan and Design Regulations.*
- *Promote developments where the physical, visual, and spatial characteristics are established and reinforced through the consistent use of compatible urban design and architectural design elements. Such elements shall relate the design characteristics of an individual structure or development to other existing and planned structures or developments in a harmonious manner, resulting in a coherent overall development pattern and streetscape.*
- *Promote the creation of neighborhoods and districts that are identifiable in the landscape, surrounded by open space, and sensitive in the preservation of natural features.*
- *Incorporate a component specifically addressed to the needs of Senior Citizens.*
- *Develop a Plan that addresses the fiscal imbalance of current zoning and provides a phasing of development of the [Town] Center in a fiscally responsible manner.*

C. In order to effectuate the Legislative Intent and Policy Statements, the Township adopted a Town Center Plan consisting of a Street Regulating Plan, a Building Regulating Plan, Site Plan Regulations, and Design Regulations.¹⁸⁹ These Plans, which are more particular described in §142-19 C. (collectively referred to herein as the “Town Center Plan”), supersede the Township’s Zoning Ordinance, Subdivision Ordinance and local development regulations otherwise applicable.

D. The initial Town Center Plan divided the TC Zone into 4 individual Zoning Subdistricts, designated “TC-1”, “TC-2”, “TC-3” and “TC-4”. These are depicted on *Master Plan Update Graphic 7*.

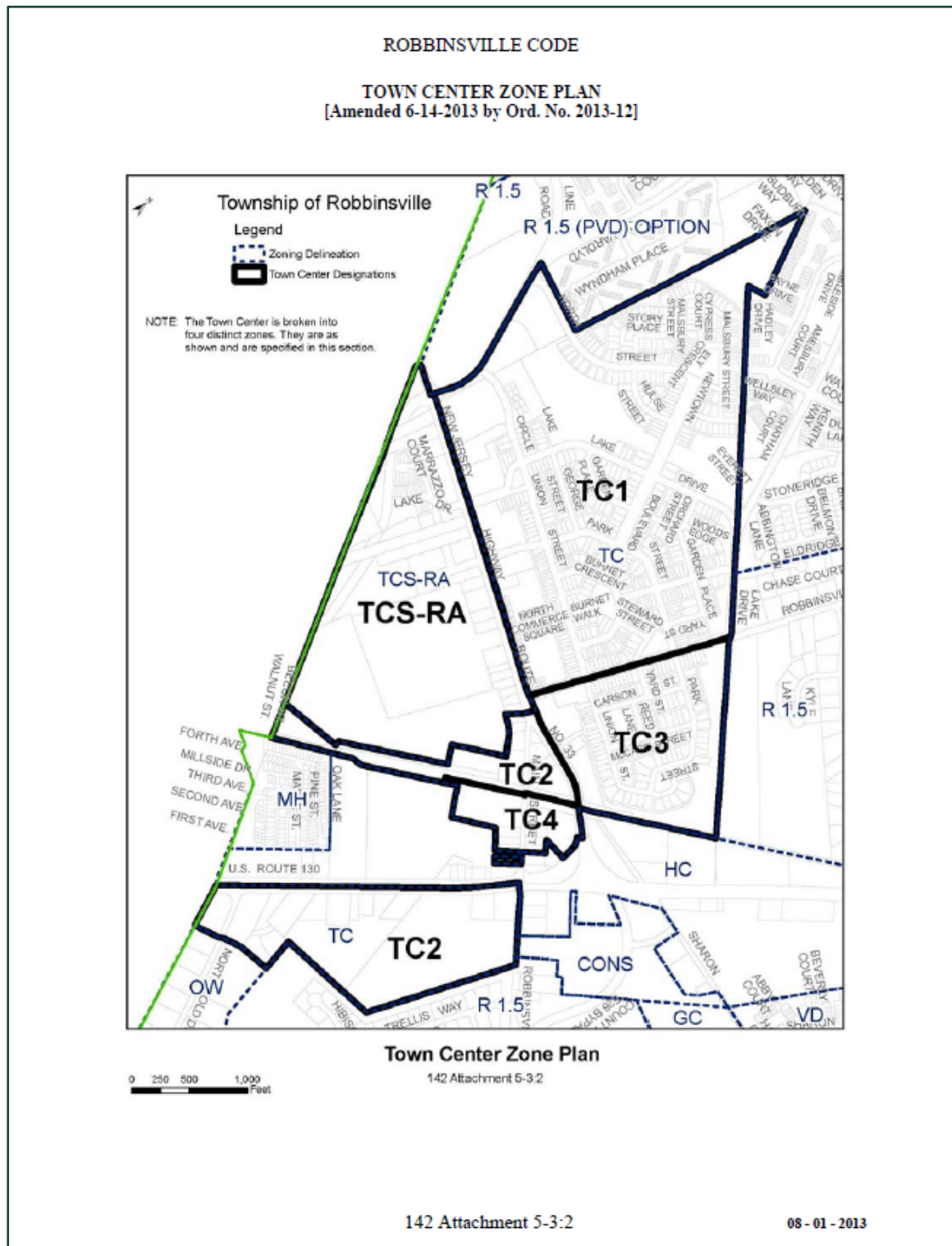
¹⁸⁹ Initially adopted in March 1997 via Ordinance No. 97-9. codified at §142-19.



Master Plan Update Graphic 7 ¹⁹⁰

The Town Center Zone Plan has been amended from time to time, with the last amendment being in June 2013. These are depicted on *Master Plan Update Graphic 8*.

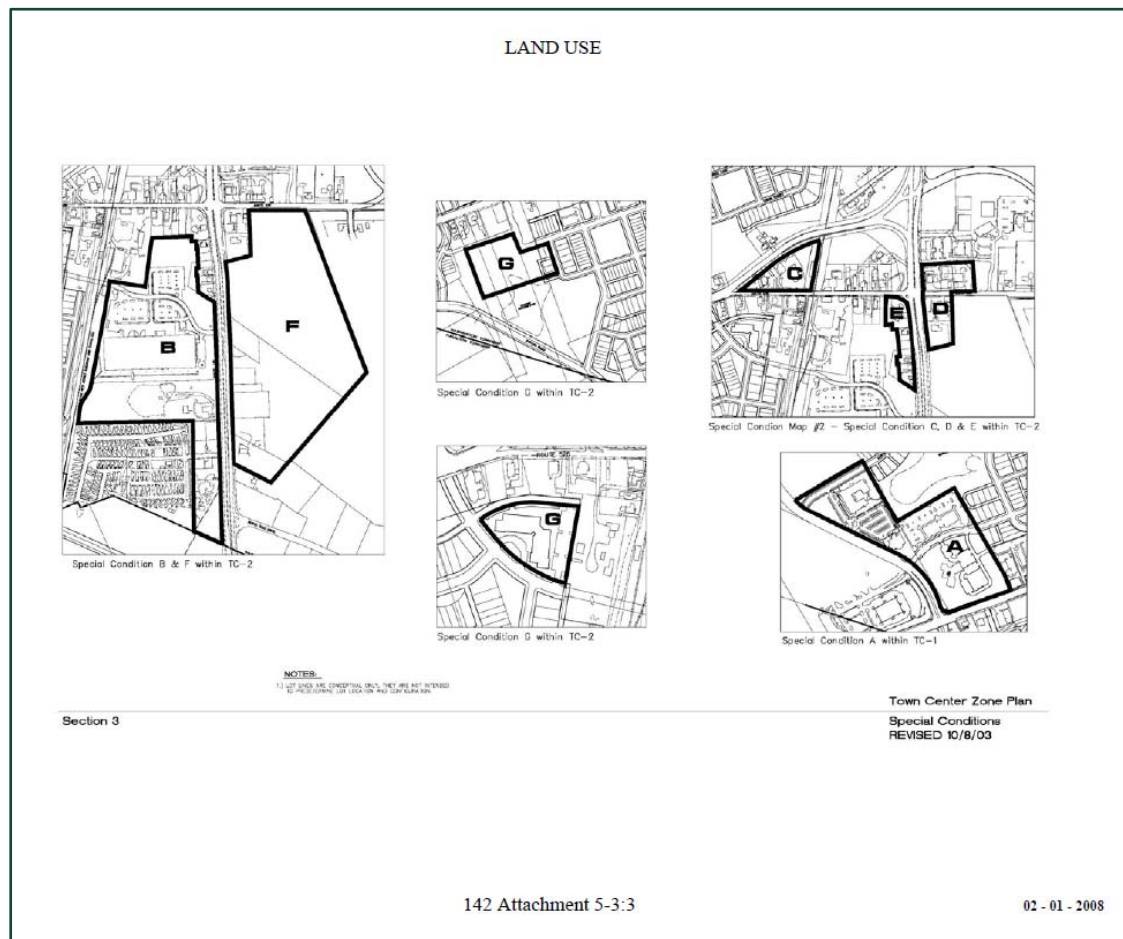
¹⁹⁰ This Master Plan Update includes the 2008 iteration for illustrative purposes.



Master Plan Update Graphic 8

While these subdistricts are official, they are not depicted on the Township's Zoning Map.¹⁹¹

Two of these Subdistricts were further (partially) divided into Special Condition Areas.¹⁹² Permitted Uses for each Subdistrict (and Special Condition Area) are governed by §142-19 D. (TC-1), E. (TC-2) and F. (TC-3 and TC-4). Design standards applicable to each Subdistrict (and Special Condition Area) are set forth in the Town Center Plan. The Special Condition Areas are depicted on *Master Plan Update Graphic 9*.



*Master Plan Update Graphic 9*¹⁹³

¹⁹¹ Master Plan Update Graphic 5

¹⁹² TC-1 contains geography-specific Special Condition Subarea A and TC-2 contains geography-specific Special Condition Subareas B, C, D, E, F and G.

¹⁹³ This Master Plan Update includes the 2008 iteration for illustrative purposes.



As with the Town Center Subdistricts, the Special Conditions Areas, while official, are not depicted on the Township's Zoning Map.¹⁹⁴

The Town Center Plan was amended in 1997,¹⁹⁵ 1999,¹⁹⁶ 2001,¹⁹⁷ 2003,¹⁹⁸ 2005,¹⁹⁹ 2007, 2008,²⁰⁰ 2009,²⁰¹ 2010,²⁰² 2012,²⁰³ 2013²⁰⁴ and 2017.²⁰⁵ At Publication of this Master Plan Update, the Town Center remained divided into the 4 individual Zoning Subdistricts, although the geometry of certain of these Subdistricts has changed.

Two of these Subdistricts remain further (partially) divided into Special Condition Areas, although former Special Condition Areas B, D, E and G have been eliminated and Special Condition Area F has been modified from its original geometry. Despite being eliminated, Use and Design Standards for these Special Condition Areas remain codified in §142-19 (*Master Plan Update Graphic 10*). This Master Plan Update recommends that these sections be deleted as appropriate.

Permitted Uses for each Subdistrict and Special Condition Area remain governed by §142-19 D. (TC-1), E. (TC-2) and F. (TC-3 & TC-4). Design Standards applicable to each Subdistrict and Special Condition Area remain set forth in the Town Center Plan.

This Master Plan Update recommends that the Town Center Subdistricts and surviving Special Condition Areas be included on the Township's Zoning Map.

¹⁹⁴ Master Plan Update Graphic 5

¹⁹⁵ via Ordinance No. 97-14

¹⁹⁶ via Ordinance No. 99-17

¹⁹⁷ via Ordinance. No. 2001-20 & Ordinance No. 2001-21

¹⁹⁸ via Ordinance No. 2003-30

¹⁹⁹ via Ordinance No. 2005-12

²⁰⁰ via Ordinance No. 2007-8

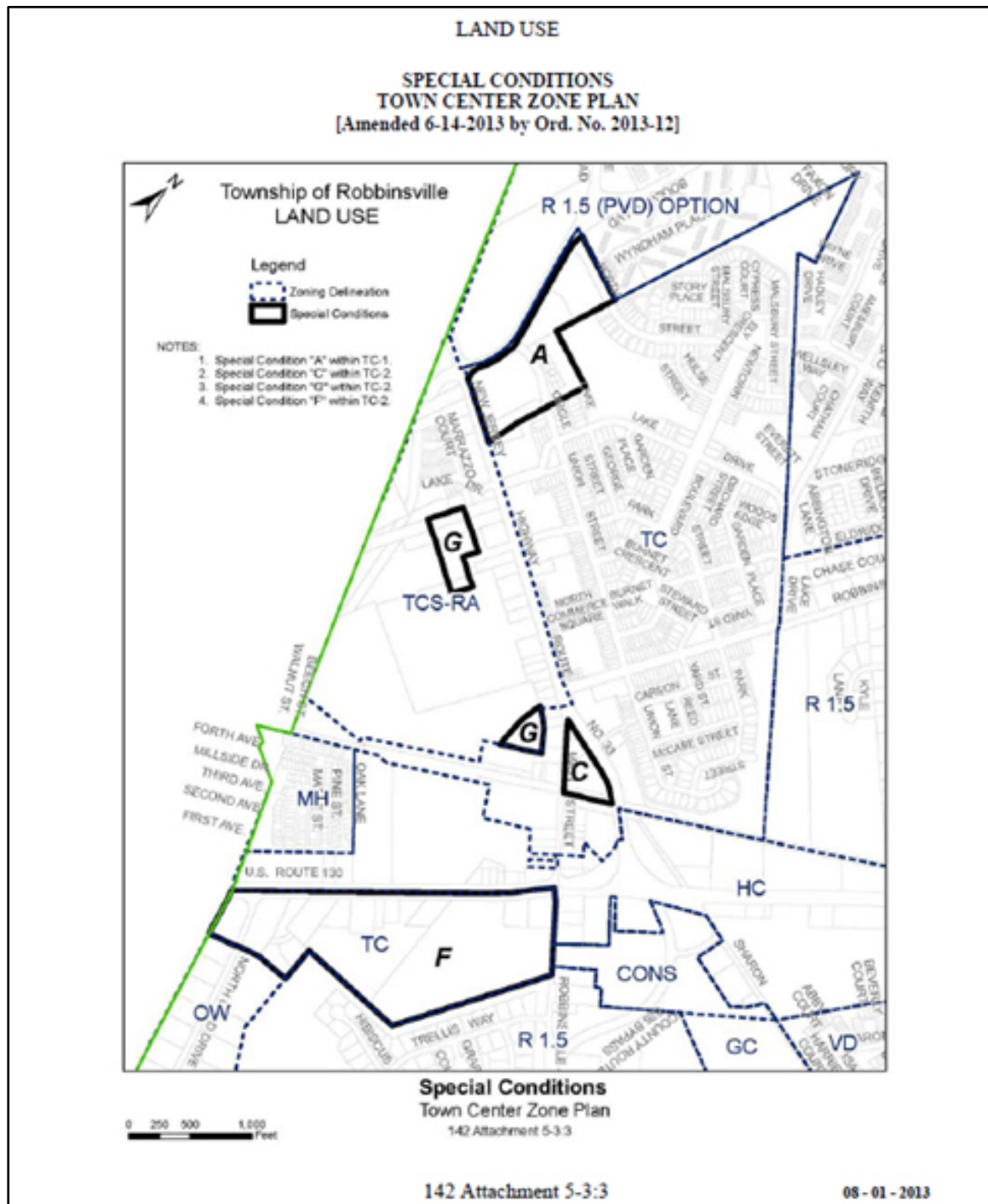
²⁰¹ via Ordinance No. 2009-35

²⁰² via Ordinance No. 2010-25

²⁰³ via Ordinance No. 2012-7

²⁰⁴ via Ordinance No. 2013-12

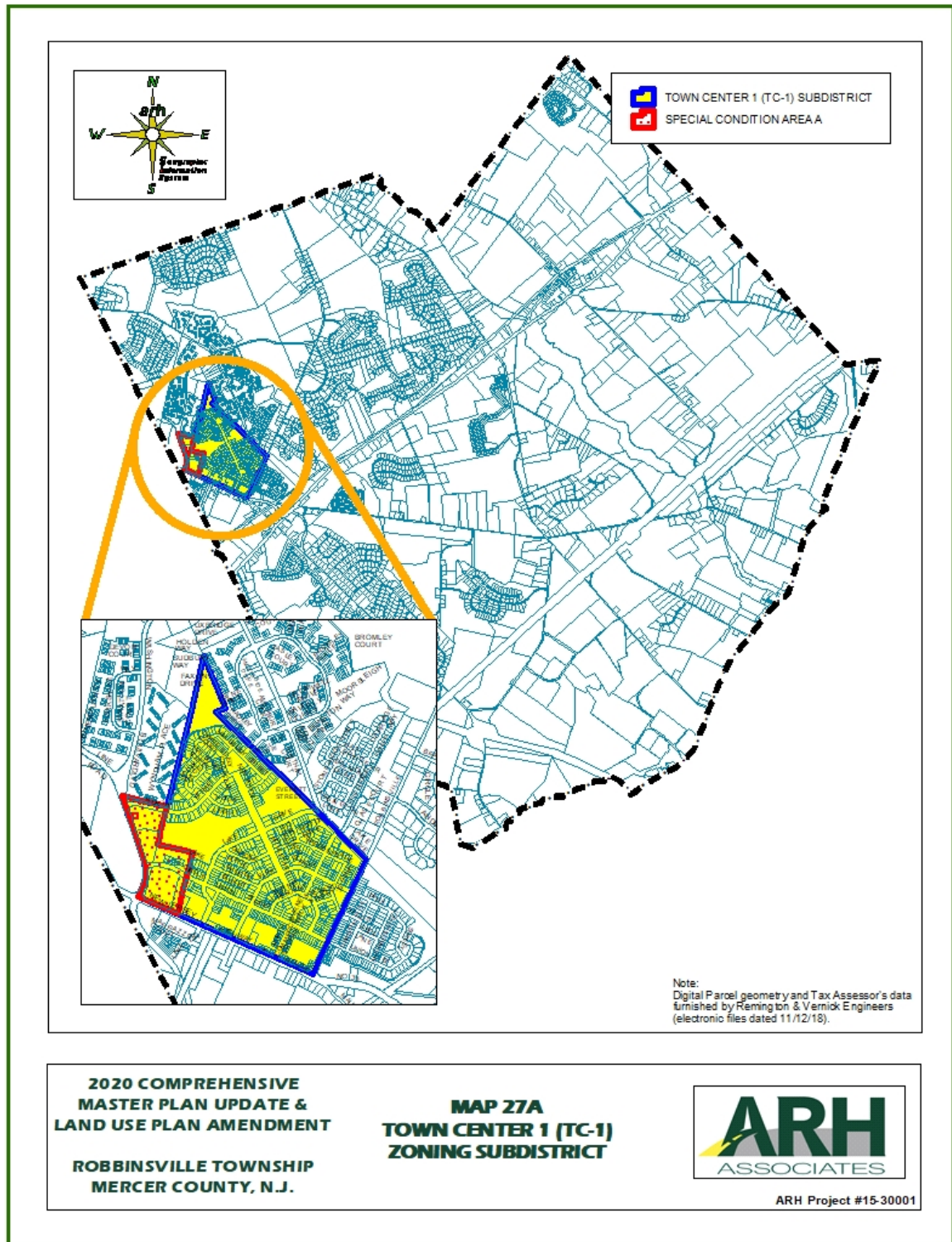
²⁰⁵ via Ordinance No. 2017-16



Master Plan Update Graphic 10

E. Specific provisions regulating the 4 TC Zoning Subdistricts and the remaining Special Condition Areas follow:

1. TC-1 ZONING SUBDISTRICT



- a. §142-19 D. specifies Permitted Principal, Accessory and Conditional Uses for the TC-1 Subdistrict.²⁰⁶

Permitted Principal Uses

- *Residential Uses as follows:*
 - *Village Houses (Single-Family Detached Dwellings).*
 - *Narrow Lot Houses (Single-Family Detached Dwellings).*
 - *Duplex Dwellings.*
 - *Townhouse Dwellings.*
 - *Commercial / Office / Retail Urban Apartment.*
- *Public and Semipublic Uses, including parks and playgrounds, conservation areas, and structures and facilities constructed as part of this Principal Use.*
- *Public, Private and Parochial Schools for academic instruction...*
- *Day-Care Centers.*
- *Elderly Day-Care Centers.*
- *Churches, Temples and other Places of Worship and related school buildings and parish houses...*
- *Post Office and Library Facilities.*
- *Cultural Facilities such as museums, auditoriums [sic] and conservatories.*
- *Retail Sale or Rental of Goods, Merchandise, or Equipment except:*
 - *Uses requiring Storage or Display of Goods outside a fully enclosed building.*
 - *Motor Vehicle Sales or Service Operations.*
 - *Lumberyards.*
 - *Adult Bookstores and/or Peep Shows.*
 - *Auction Markets.*
 - *Pawn Shops.*
- *Personal Service Establishments,²⁰⁷ including, but not limited to, Barber and Beauty Shops; Dry-Cleaning Establishments; Self-Service Laundromats; Tailor Shops; Weight Loss Centers; Portrait Studios; Interior Decorating Services; Video Rental; and Mail Centers [but excluding]:*
 - *Massage Parlors.*
 - *Animal Grooming Establishments.*
 - *Kennels.*
 - *Veterinary Hospitals.*
 - *Tarot Card Reading / Fortune-Telling Establishments.*

²⁰⁶ Truncated for brevity / clarity. Refer to §142-19 D. for the full text.

²⁰⁷ having as their primary function the rendering of a service to a client within a building.

- *Business Service Establishments,²⁰⁸ including, but not limited to, Document Reproduction, Duplication, and Administrative Services.*
- *Product Service Establishments,²⁰⁹ including, but not limited to, the repair and servicing of Shoes, Audio and Visual Equipment, Appliances, Jewelry and Watches [but excluding] Motor Vehicular Repair and Maintenance and/or Body Shops.*
- *Business Offices, including but not limited to Insurance Agents, Travel Agents, Realtors, Finance and Investment Companies, and Tax Preparation Services.*
- *Instructional Studios, Fitness Centers and Billiard Parlors.*
- *Banks and other Financial Institutions, excluding Check-Cashing Businesses but including Automated Teller Machines (ATM).*
- *Neighborhood Motor Vehicle Service Station or Garage (see §142-7).*
- *Professional Offices, including but not limited to offices for Architects, Artists, Authors, Dentists, Doctors, Lawyers, Ministers, Musicians, Engineers, Optometrists, Opticians, and such other similar Professions.*
- *Restaurants, Cafes, Coffeehouses and Eateries.*
- *Permitted Uses in Special Condition Area A.*
 - *Offices.*
 - *Professional Offices, including but not limited to offices for Architects, Artists, Authors, Dentists, Doctors, Lawyers, Ministers, Musicians, Engineers, Surveyors, Planners, Optometrists, Opticians, and such other similar Professions.*
 - *Banks and other Financial Institutions, excluding Check-Cashing businesses, but including Automated Teller Machines (ATM) and Drive-Through Service Tellers.*
 - *Day-Care Facilities.*
 - *Second- and Third-Floor Urban Apartments.*
 - *Ground-Floor Retail for uses Fronting on Route 33.*
 - *Health Club.*
 - *Restaurant.*

Permitted Accessory Uses

- *Customary Accessory Buildings.*
- *Residential detached garages which shall not be subject to conversion to any other use.*
- *Home-Based Offices,²¹⁰ provided...:*

²⁰⁸ having as their primary function the rendering of service to a business client.

²⁰⁹ having as their primary function the servicing or repair of a product.

²¹⁰ Not exceeding 1,000 s.f., or 25% of the total habitable square footage of the dwelling, exclusive of any basement, or located in an Accessory Building not to exceed 500 s.f.

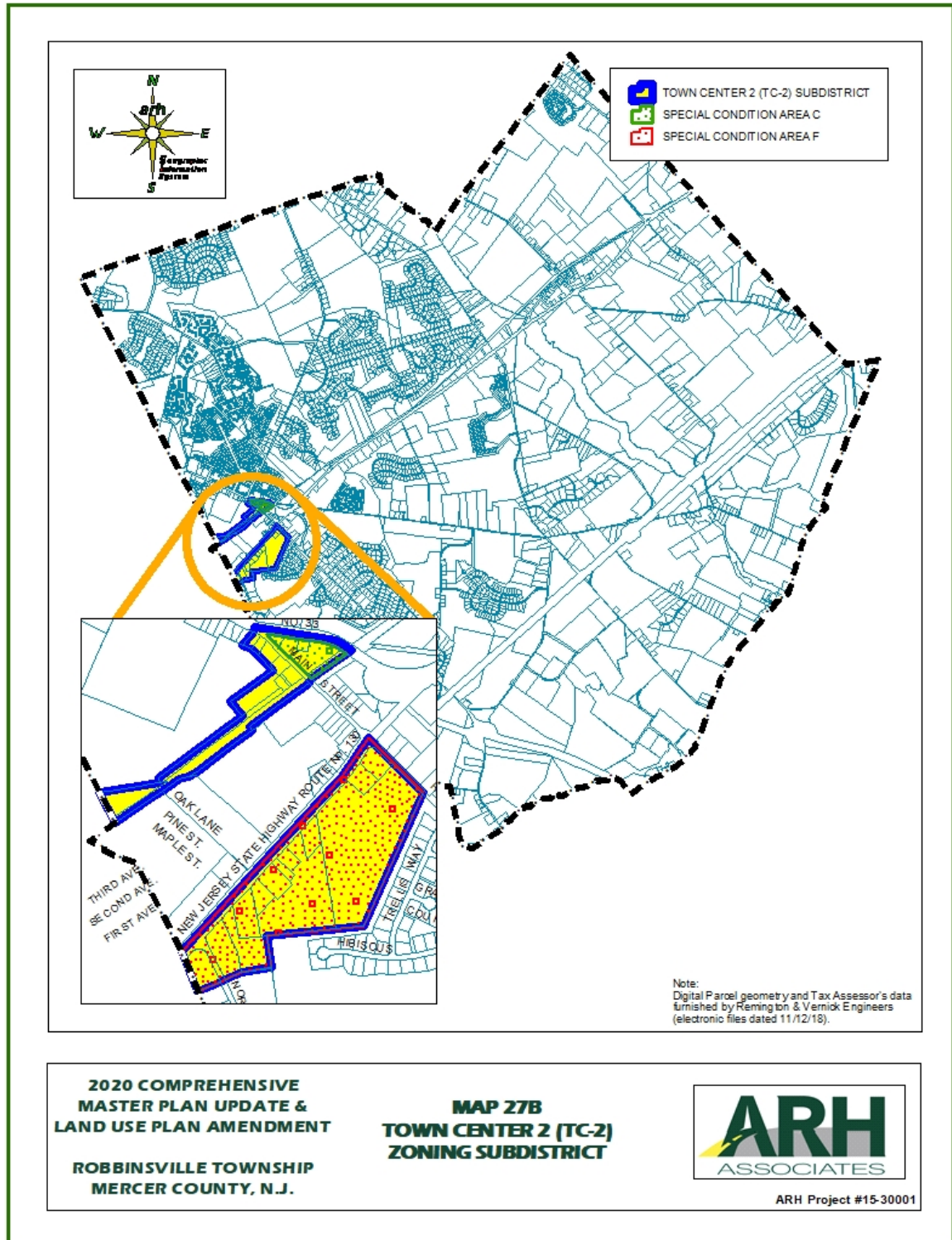
- *The Home-Based Office is located in a single-family dwelling.*
- *Medical, Dental and Real Estate Offices [are] not... permitted...*
- *In addition to the family members occupying the dwelling containing the Home Office, there shall not be more than one outside employee in the Home Office.*
- *The employee and clients shall use on-street curbside parking spaces and shall not park on the lot containing the Home Office.*
- *Permitted signage area is limited to one facade or freestanding sign...*
- *All exterior aspects of the Home Office operation shall not disrupt the residential integrity [of the dwelling occupying the Home Office].*
- *Toolsheds and outside storage sheds... (see Figure 2-3 in the Town Center Zoning and Design Regulations).*
- *... All Accessory Uses [and Structures] shall be architecturally compatible with the Principal Structure.*
- *Studio Room as defined...*
- *Accessory Dwelling as defined..., but limited to Village Lots having a minimum area of 7,200 s.f.*

Permitted Conditional Uses (Special Condition Area A only)

- *Institutional use.*
- *Assisted Care Living Facility... with no more than 120 beds / rooms ...with frontage on Washington Boulevard and... oriented towards Washington Boulevard and any street abutting the site and intersecting with Washington Boulevard.*

- b. Development regulations for the TC-1 Subdistrict are contained in the balance of §142-19 D. and in the Town Center Plan.
- c. An in-depth analysis of the land uses within the TC-1 Subdistrict finds a number of Permitted Uses in Special Condition Area A that are redundant with the uses specified for the balance of the Subdistrict. These Special Condition redundancies can be eliminated.
- d. No additional changes are recommended for the TC-1 Subdistrict.

2. TC-2 ZONING SUBDISTRICT



- a. §142-19 E. specifies Permitted Principal, Accessory and Conditional Uses for the TC-2 Subdistrict.²¹¹

Permitted Principal Uses²¹²

- *Residential Uses as follows:*
 - *Village Houses (Single-Family Detached Dwellings).*
 - *Narrow Lot Houses (Single-Family Detached Dwellings).*
 - *Duplex Dwellings.*
 - *Townhouse Dwellings.*
 - *Commercial / Office / Retail Urban Apartment.*
 - *[Age] Restricted and Non-[Age] restricted Senior Citizen Housing.*
 - *Assisted Care Living.*
- *Public and Semipublic Uses, including parks and playgrounds, conservation areas, and structures and facilities constructed as part of this Principal Use.*
- *Clubhouse Buildings.*
- *Community and Civic Facilities, including Post Offices, Museums, Auditoriums [sic and Library Facilities.*
- *Day-Care Centers.*
- *Elderly Day-Care Centers.*
- *House of Worship.*
- *Banks and Other Financial Institutions, excluding Check-Cashing Businesses but including Automated Teller Machines (ATM).*
- *Single or Multiple User Offices and Office Buildings.*
- *Retail Sale or Rental of Goods, Merchandise and Equipment as permitted in the TC-1 Zone District.*
- *Restaurants, exclusive of Drive-Through Facilities.*
- *Neighborhood Motor Vehicle Service Station or Garage, as defined...*
- *Public and Semipublic Recreation Uses.*
- *Bed-and-Breakfast Establishments...*
- *Permitted Uses in Special Condition Area C.*
 - *Public and Semipublic Uses.*
 - *Day-Care Facilities.*
 - *Convenience / General Stores.*
 - *Restaurants, Cafes, Coffee Houses and Eateries.*
- *Permitted Uses in Special Condition Area F.*
 - *Retail Sale or Rental of Goods, Merchandise, or Equipment, except:*

²¹¹ Truncated for brevity / clarity. Refer to §142-19 E. for the full text.

²¹² Special Condition Areas B, D, E and G have been eliminated. Permitted Uses for these Areas are no longer applicable.

- *Uses Requiring Storage or Display of Goods Outside a Fully Enclosed Building.*
- *Motor Vehicle Sales, Leasing, Rental or Service Operations.*
- *Lumberyards.*
- *Adult Bookstores and/or Peep Shows.*
- *Auction Markets.*
- *Pawn Shops.*
- *Check-Cashing Establishments.*
- *Outdoor Animal Kennels or Indoor Boarding Kennels.*
- o *Hotels with a 100-room minimum and a restaurant on the premises.*
- o *Personal Service Establishments,²¹³ [including], but... not limited to, Barber and Beauty Shops; Dry-Cleaning Establishments; Tailor Shops; Weight Loss Centers; Portrait Studios; Interior Decorating Services; Video Rental; and Mail Centers, [but excluding] Escort Services, Tattoo Parlors, Massage Parlors, Body Piercing Parlor or Such similar services.*
- o *Business Service Establishments,²¹⁴ [including], but... not limited to, General Business Office services... such as Document Reproduction, Duplication, Administrative Services, Telefax, Overnight Mail Service, Retail Sale of Arts and Crafts Materials.*
- o *Product Service Establishments,²¹⁵ including, but not limited to, the repair and servicing of Shoes, Audio and Visual Equipment, Appliances, Jewelry and Watches, [but excluding] Motor Vehicle Repair, Maintenance and/or Body Shops.*
- o *Business Offices, including, but not limited to, Insurance Agents, Travel Agents, Realtors, Finance and Investment Companies, and Tax Preparation Services.*
- o *Indoor Recreation Facilities, including Instructional Studios, Health and Fitness Centers, and Indoor Racquet Sport Facilities, but [excluding] Amusement Arcades or Indoor Amusements Parks, Billiard Parlors, Miniature Golf Courses or Golf Ranges.*
- o *Banks and other Financial Institutions, excluding Check-Cashing businesses but including Automated Teller Machines (ATM).*
- o *Professional Offices, including, but not limited to, offices for Architects, Accountants, Dentists, Doctors, Lawyers, Engineers, Physical Therapists, Optometrists, Opticians, and such other similar Professions.*

²¹³ having as their primary function the rendering of a service to a client within a building.

²¹⁴ having as their primary function the rendering of service to a business client.

²¹⁵ having as their primary function the servicing or repair of a product.

- *Restaurants, including Drive-Through Facilities, Cafes, Coffeehouses and Eateries. ...No such facility shall be located closer than 300' to an R1.5 Zone.*
- *Designed Shopping Complex, [defined as] a building or group of abutting buildings designed to be utilized by more than one Permitted Use where such building or group of abutting buildings is constructed at one time.*
- *Retail stores: automotive-related stores with the parts store being at least 50% of the total s.f.*

Permitted Accessory Uses

- *All Residential Accessory Uses in the TC-1 Subdistrict.*
- *Home-Based Offices,²¹⁶ provided:*
 - *The Home-Based Office is located in a single-family dwelling.*
 - *Medical, Dental and Real Estate Offices [are] not...permitted...*
 - *In addition to the family members occupying the dwelling containing the Home Office, there shall not be more than one outside employee in the Home Office.*
 - *The employee and clients shall use on-street curbside parking spaces and shall not park on the lot containing the Home Office.*
 - *Permitted signage area is limited to one facade or freestanding sign...*
 - *All exterior aspects of the Home Office operation shall not disrupt the residential integrity [of the dwelling].*
- *Toolsheds and Outside Storage Sheds...*
- *Studio Room, as defined.*
- *Accessory dwelling as defined..., but limited to Village Lots having a minimum area of 7,200 s.f.*

Permitted Conditional Uses

- *Special Condition Area F.*
 - *House of Worship.*
 - *Gas Stations with Convenience Stores of over 2,500 s.f.*

b. Development regulations for the TC-2 Subdistrict are contained in the balance of §142-19 E. and in the Town Center Plan.

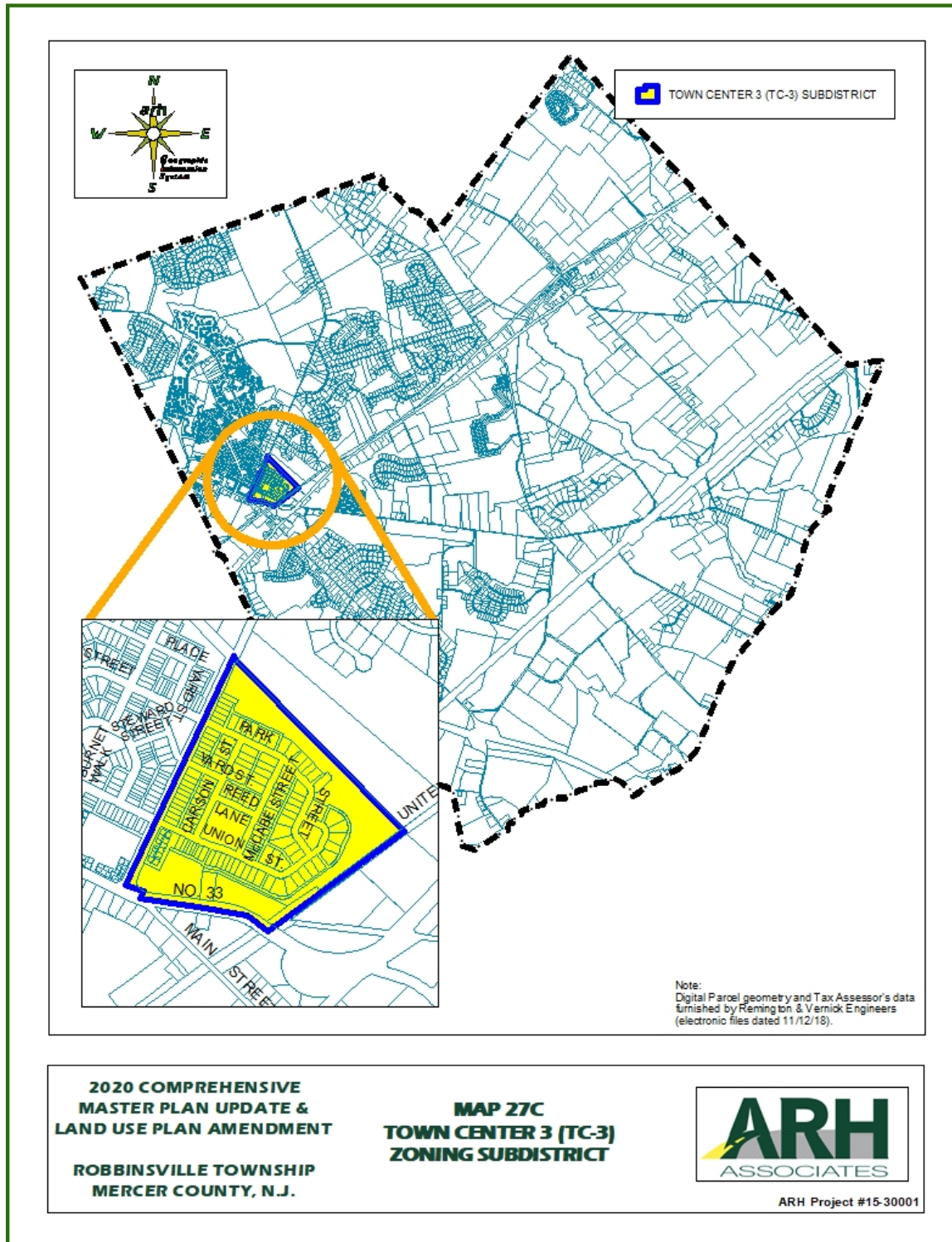
c. An in-depth analysis of the land uses within the TC-2 Subdistrict finds:

²¹⁶ Not exceeding 1,000 s.f., or 25% of the total habitable square footage of the dwelling, exclusive of any basement, or located in an Accessory Building not to exceed 500 s.f.



- (1) A number of Permitted Uses in Special Condition Areas C and F that are redundant with the uses specified for the balance of the TC-2 Subdistrict. These Special Condition redundancies can be eliminated.
 - (2) Houses of Worship is listed as both a Permitted Principal Use and a Permitted Conditional Use in Special Condition Area F. It is recommended that the Township clarify the nature of this use.
 - (3) Recognizing the opportunities that the Township's Route 130 entryways provide to define Gateways into Robbinsville, establish within the Land Use Plan and Land Use Ordinance, as appropriate, specific architectural design standards to achieve this Principle §5.3.1 O. of this Master Plan Update and the strategies related thereto.
 - (4) Special Condition Area G has been eliminated. It is recommended that the Special Conditions Map within the Town Center Plan be revised accordingly.
- d. No additional changes are recommended for the TC-2 Subdistrict.

3. TC-3 ZONING SUBDISTRICT



- a. §142-19 F. specifies Permitted Principal, Accessory and Conditional Uses for the TC-3 Subdistrict.²¹⁷

Permitted Principal Uses

- *Residential Uses:*
 - *Village Houses (Single-Family Detached Dwellings).*
 - *Duplex Dwellings.*
 - *Accessory Buildings.*
 - *Townhouses.*
 - *Commercial / Office / Retail with Urban Apartments.*
- *Public and Semipublic Uses.*
- *Day-Care Facilities.*
- *Churches, Temples and Other Places of Worship and related School Buildings and Parish Houses.*
- *Commercial Uses permitted in the TC-1 Subdistrict.*
- *Bed-and-Breakfast Establishments.*

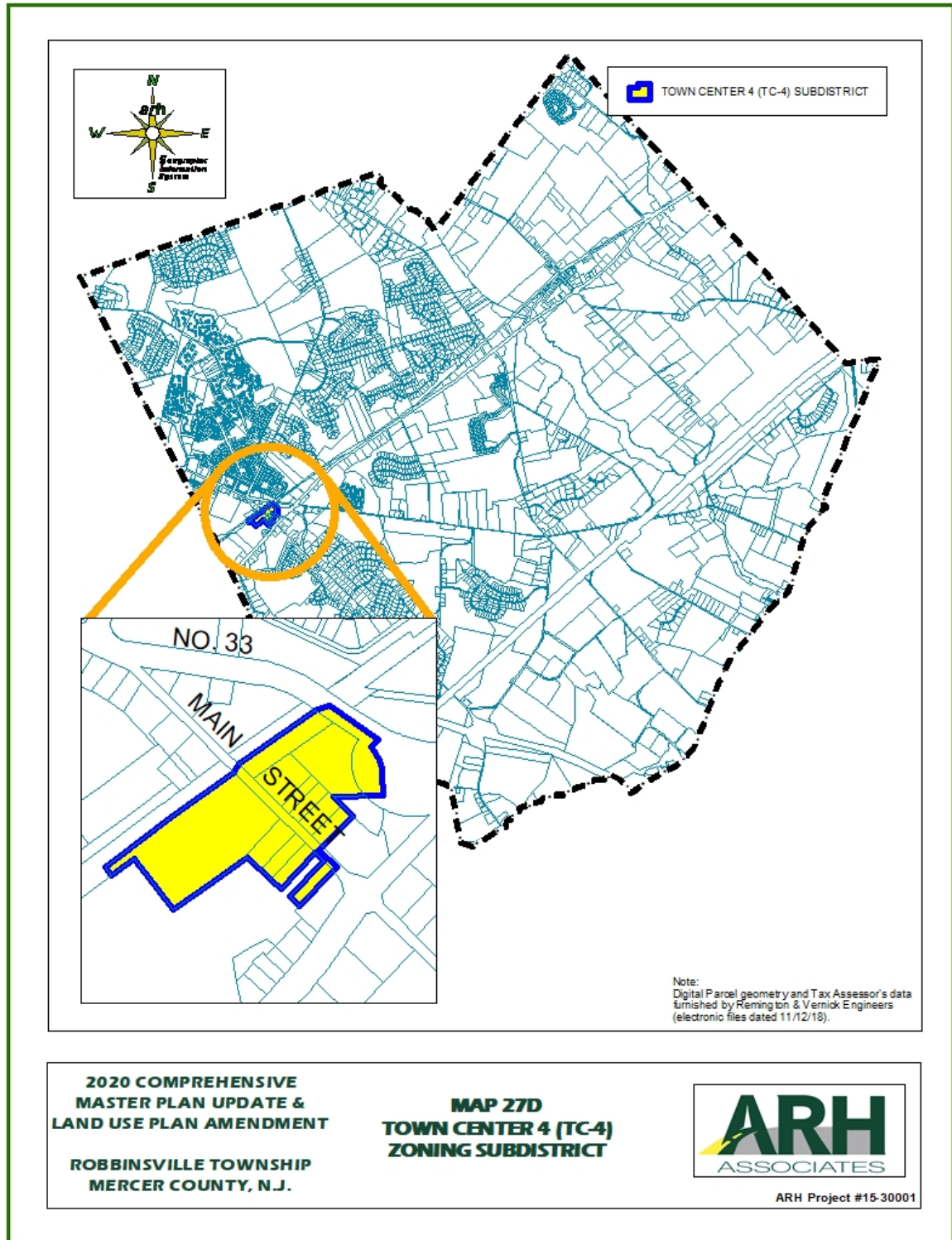
Permitted Accessory Uses

- *All Accessory Uses permitted in the TC-1 Subdistrict.*
- *Toolsheds and Outside Storage Sheds...*
- *Studio Room, as defined...*
- *Accessory Dwelling as defined..., but limited to Village Lots having a minimum area of 7,200 s.f.*

- b. Development regulations for the TC-3 Subdistrict are contained in the balance of §142-19 F. and in the Town Center Plan.
- c. An in-depth analysis of the land uses within the TC-3 Subdistrict finds “Accessory Buildings” listed among the Permitted Principal Uses in the Subdistrict. Accessory Uses has its own category and should therefore be eliminated as a Permitted Principal Use.
- d. No additional changes are recommended for the TC-3 Subdistrict.

²¹⁷ Truncated for brevity / clarity. Refer to §142-19 F. for the full text.

4. TC-4 ZONING SUBDISTRICT



- a. §142-19 F. specifies Permitted Principal, Accessory and Conditional Uses for the TC-4 Subdistrict.²¹⁸

Permitted Principal Uses

- *Residential Uses:*
 - *Village Houses (Single-Family Detached Dwellings).*
 - *Duplex Dwellings.*
 - *Accessory Buildings.*
 - *Townhouses.*
 - *Commercial / Office / Retail with Urban Apartments.*
- *Public and Semipublic Uses.*
- *Day-Care Facilities.*
- *Churches, Temples and Other Places of Worship and related School Buildings and Parish Houses.*
- *Commercial Uses permitted in the TC-1 Subdistrict.*
- *Bed-and-Breakfast Establishments.*

Permitted Accessory Uses

- *All Accessory Uses permitted in the TC-1 Subdistrict.*
- *Toolsheds and Outside Storage Sheds...*
- *Studio Room, as defined...*
- *Accessory Dwelling as defined..., but limited to Village Lots having a minimum area of 7,200 s.f.*

- b. Development regulations for the TC-4 Subdistrict are contained in the balance of §142-19 F. and in the Town Center Plan.
- c. An in-depth analysis of the land uses within the TC-4 Subdistrict finds “Accessory Buildings” listed among the Permitted Principal Uses in the Subdistrict. Accessory Uses has its own category and should therefore be eliminated as a Permitted Principal Use.
- d. No additional changes are recommended for the TC-4 Subdistrict.

²¹⁸ Truncated for brevity / clarity. Refer to §142-19 F. for the full text.

F. Additional Recommendations for the Town Center Zones.

§142-20²¹⁹ creates a financing mechanism applicable to all properties located within the Town Center in order to:

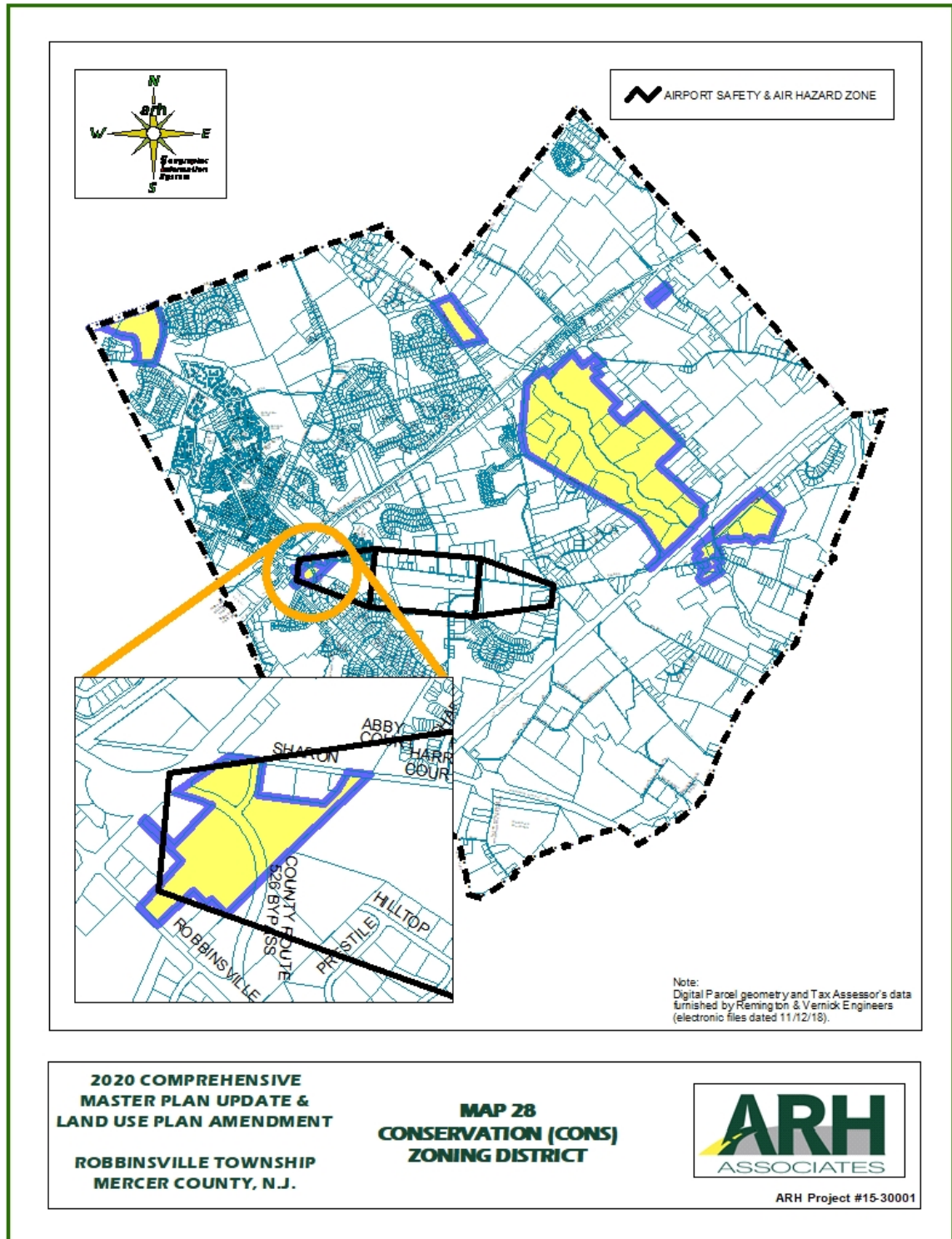
- *Provide a reasonable contribution to the cost of creation and maintenance of public open spaces located within the district.*
- *Provide an aesthetic enhancement to the district as a whole;*
- *Transfer obligations which would otherwise fall to individual property owners to centrally located spaces which will benefit the community at large and simultaneously allow development to occur on lots of sizes smaller than those normally required; and*
- *Provide an overall enhancement of property values within the district by allowing more dense development and by providing amenities with pedestrian access otherwise not typically available in the suburban environment.*

Due to the significance of these public spaces to the overall development of Town Center, the location, size and design have been included as an Open Space Element in the Township Master Plan.

Given the current state of buildout in the Town Center Zone, it is recommended that this provision be reviewed and modified or eliminated as appropriate.

²¹⁹ Open Spaces in TC Town Center District; Contributions to Public Space Fund.

6.5.20 CONSERVATION (CONS) ZONING DISTRICT



- A. The CONS Zone covers (approximately) 870.9 acres, equating to 6.6% of the Township.
- B. While the Township's Zoning Map depicts a CONS Zone, §142-8 (Districts Designated) does not establish a Conservation Zoning District and no Use or Bulk regulations for such a Zone are contained in Chapter 142. It is therefore not clear how the CONS Zone functions.

It is therefore recommended that a new CONS section be added to Chapter 142, with a Purpose and Intent Preamble and appropriate Use and Bulk controls as follows:

Preamble:

The Conservation (CONS) Zone is intended to promote the conservation of open space and natural resources while preserving environmentally-sensitive lands in their undeveloped state and providing for active and passive public recreation.

The Zone shall prevent Urban Sprawl and degradation of the environment so as to protect natural resources and preserve wetlands, wetland buffers, steep slopes, stream corridors, floodplains, fish and wildlife habitat areas, existing forested areas, specimen trees, natural recreation areas, and scenic views of open space from rights-of-way. The natural resource value of undeveloped lands may be enhanced by the provision of active and passive recreation facilities which will promote the health, safety and general welfare of the community.

- *Permitted Principal Uses*
 - *Conservation of undeveloped open space.*
 - *Active and passive public recreational uses and structures, provided that disruption of wildlife habitat and clearing is the minimal required to support such uses and structures.*
 - *Private commercial nurseries and forestry uses with County-approved management plans.*
 - *Reforestation with County-approved forestry management plans.*
 - *Maintenance and repair reasonable and necessary for the continuance of a lawfully pre-existing use.*
 - *Such uses and structures as may be deemed by the Township to be necessary and convenient for the provision municipal services or to insure public health, safety and welfare.*
 - *Such environmental, educational and/or eco-tourism uses and structures as may be permitted by relevant Permitting Agencies, including public walkways, scenic overlooks, nature trails, environmental interpretation stations and like and similar uses and structures.*

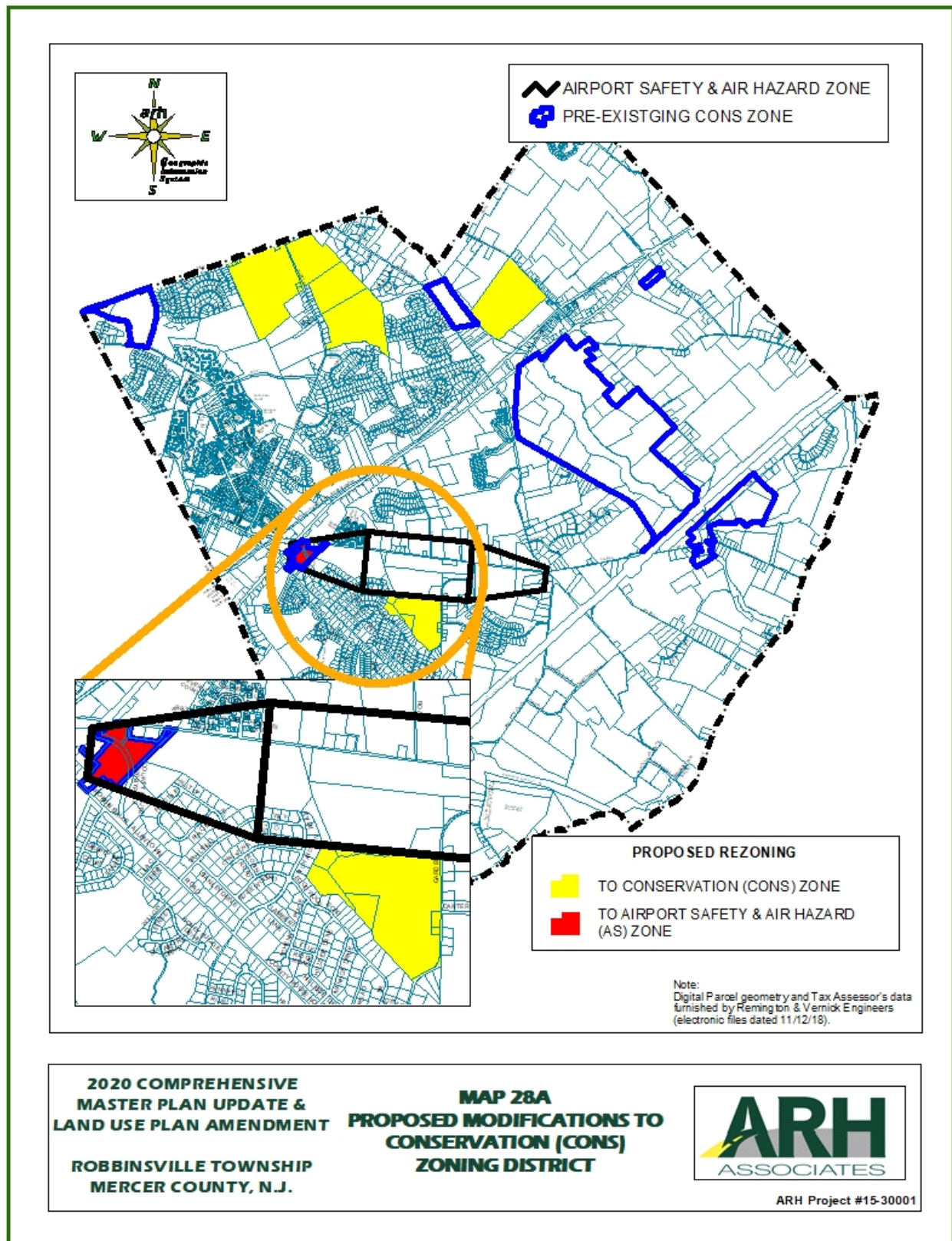
- *Public, Semi-Public and/or Private Utility Facilities as may be required to service this section of the Township.*
- *Storage sheds and barns associated with a lawfully pre-existing agriculture or nursery use.*
- *Wholesale sales and processing of products associated with a lawfully pre-existing agriculture or nursery use, excluding the growing, processing, manufacturing or dispensing of medicinal or recreational marijuana, cannabis, or like or similar regulated substance.*
- *Agritrectural operations, excluding the growing, processing, manufacturing or dispensing of medicinal or recreational marijuana, cannabis, or like or similar regulated substance.*
- *Permitted Accessory Uses*
 - *Such Accessory Uses and Structures as are normally and customarily associated with a Permitted Principal Use.*

- C. §6.5.1 of this Master Plan Update recommends that certain lands within the Rural Residential (RR) Zone be reclassified from RR to Conservation (CONS) Zoning. These recommendations are graphically depicted on Master Plan Update Maps 9A. and 28A.
- D. §6.5.4 of this Master Plan Update recommends that certain lands within the Residential 1.5 (R1.5) Zone be reclassified from R1.5 to Conservation (CONS) Zoning. These recommendations are graphically depicted on Master Plan Update Maps 12A. and 28A.
- E. Certain lands within the CONS Zone fall within the Air Safety and Air Hazard (AS) Zone. Without established Use or Bulk regulations, it is not possible to know how any use or development permitted in the CONS Zone will conform with the uses and development permitted in the AS Zone. Accordingly, and for the reasons detailed in §6.5.1 F.5. herein, it is recommended that CONS Zoning be eliminated from the lands under the AS Zone.²²⁰ This recommendation is graphically depicted on Master Plan Update Map 28A.
- F. As detailed in §6.5.15 herein, the Township, in March 2019, acquired the 158.5-acre Spring Garden Country Club (a.k.a. Miry Run Golf Course). Since the lands will no longer be used as a golf course, the GC Zoning designation and the Permitted Principal Use under §142-29 are no longer applicable. This Master Plan Update therefore recommends

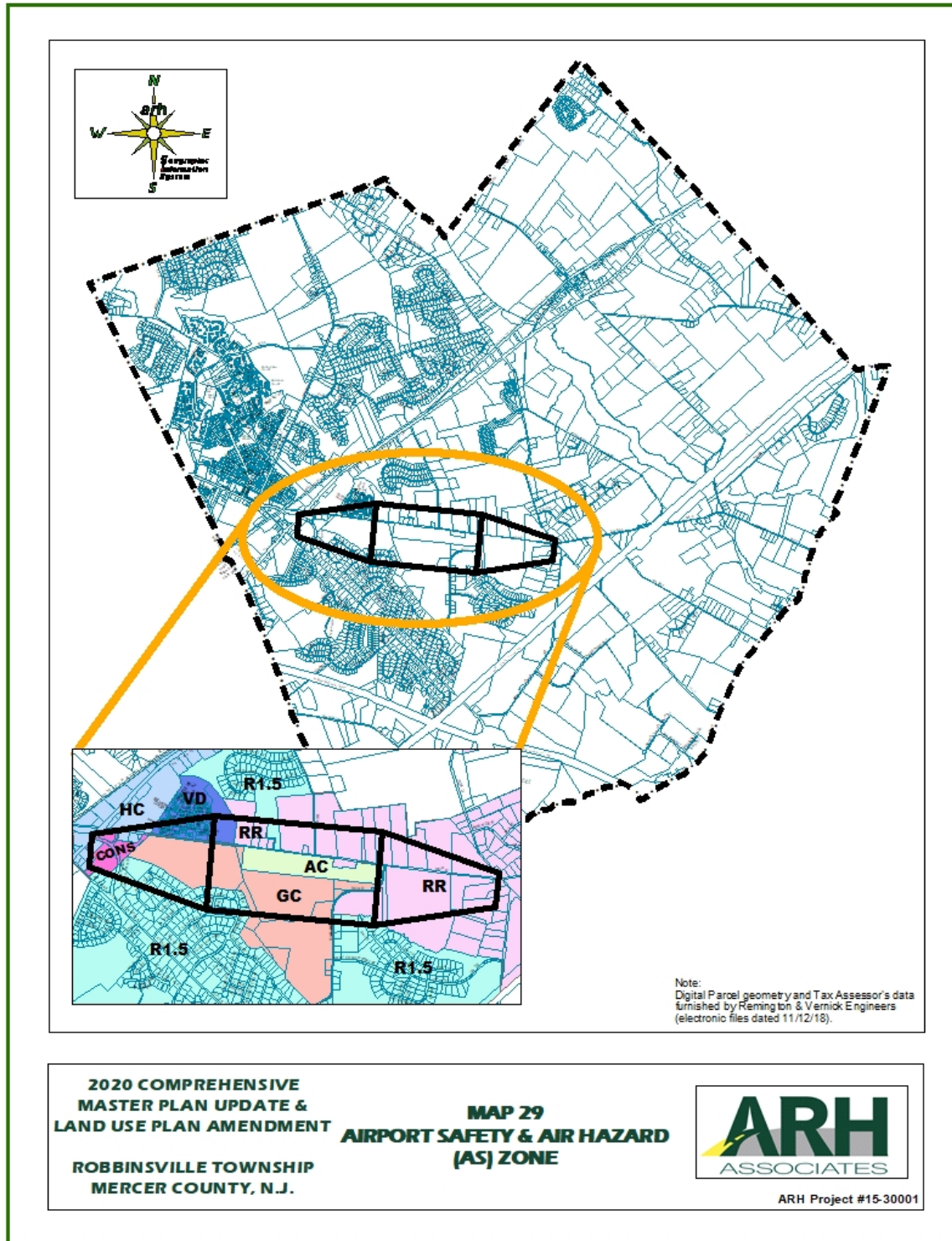
²²⁰ Issues related to the AS Zone are addressed in §6.5.21 of this Master Plan Update.



- that the GC-Zone lands outside of the AS Zone be rezoned Conservation (CONS). These recommendations are graphically depicted on Master Plan Update Maps 23A. and 28A.
- G. While no additional changes are recommended for the CONS Zoning District, this Master Plan Update recognizes the ongoing Township policy to protect and preserve existing open space. Accordingly, it is envisioned that additional lands will be added to the CONS Zone over time.



6.5.21 AIRPORT SAFETY AND AIR HAZARD (AS) ZONE



- A. The AS Zone covers (approximately) 450 acres, equating to 3.4% of the Township.
- B. While included in the Township's Zoning Ordinance as §142-28, the AS Zone is established and regulated by the Division of Aeronautics within the New Jersey Department of Transportation and the Federal Aviation Administration. §142-28 establishes minimum standards for the control of the Airport and aeronautical hazards and supersedes any other Township Ordinance in conflict or inconsistent therewith.

As a practical matter, the AS Zone operates as an Overlay that regulates uses and structures within the underlying AC, CONS, GC, HC, R1.5, RR and VD Zoning Districts.

- C. §142-28 A.(2) and (3) provide:

No person shall build, rebuild, create or cause to be built, rebuilt or created any object, structure, or plant, or cause to be planted or permit to grow any tree or vegetation, which will interfere with, diminish, change or obstruct the airspace or landing and takeoff area available for the landing and takeoff of aircraft at public use Airports.

This section shall not require the removal or lowering of, or other change or alteration of any structure or tree not conforming to the rules when this chapter was adopted, or otherwise allow interference with the continuance of any nonconforming use. No prior nonconforming structure or tree or vegetation may be increased in height or allowed to increase in height so that its nonconformance is greater than at the time this chapter was adopted, i.e., no such structure may be increased in height and any tree may be required to be trimmed down to its original nonconforming height.

- §142-28 B. provides, in pertinent part:

No variance or other relief from the standards promulgated by or under this section may be granted by a municipality to itself or any person except upon condition that the variance relief is contingent upon the issuance of a permit allowing the variance or relief by the [NJDOT] Commissioner.

No Airport regulated by the provisions of the Air Safety and Zoning Act of 1983 shall hereafter be classified as a nonconforming use by any ordinance of the Township or the Master Plan of the Township. No Airport in the Township is a nonconforming use, any other ordinance to the contrary notwithstanding.

Accordingly, land use regulation in the AS Zone is largely beyond the jurisdiction of the Township.

D. §142-28 G. specifies Permitted and Prohibited Uses in the AS Zone.²²¹

Permitted Principal Uses²²²

- *Commercial uses as permitted by the applicable provisions of the Airport Commercial District and/or the Golf Course Commercial District, depending upon where the use is located or proposed to be located, and not located in the clear zone.*
- *Open space / Agricultural uses.*
- *Transportation uses.*
- *Airport uses within the Airport Commercial Zone District.*
- *Residential uses limited to existing single-family dwelling units which are situated within the Airport Hazard Area as follows:*
 - *Block 25, Lot 4 (184 Sharon Road).*
 - *Block 26, Lot 18 (139 Sharon Road), Lot 20 (131 Sharon Road), and Lot 21 (123 Sharon Road).*
 - *Block 27, Lot 13 (77 Sharon Road), Lot 14 (73 Sharon Road), and Lot 17 (99 Sharon Road).*

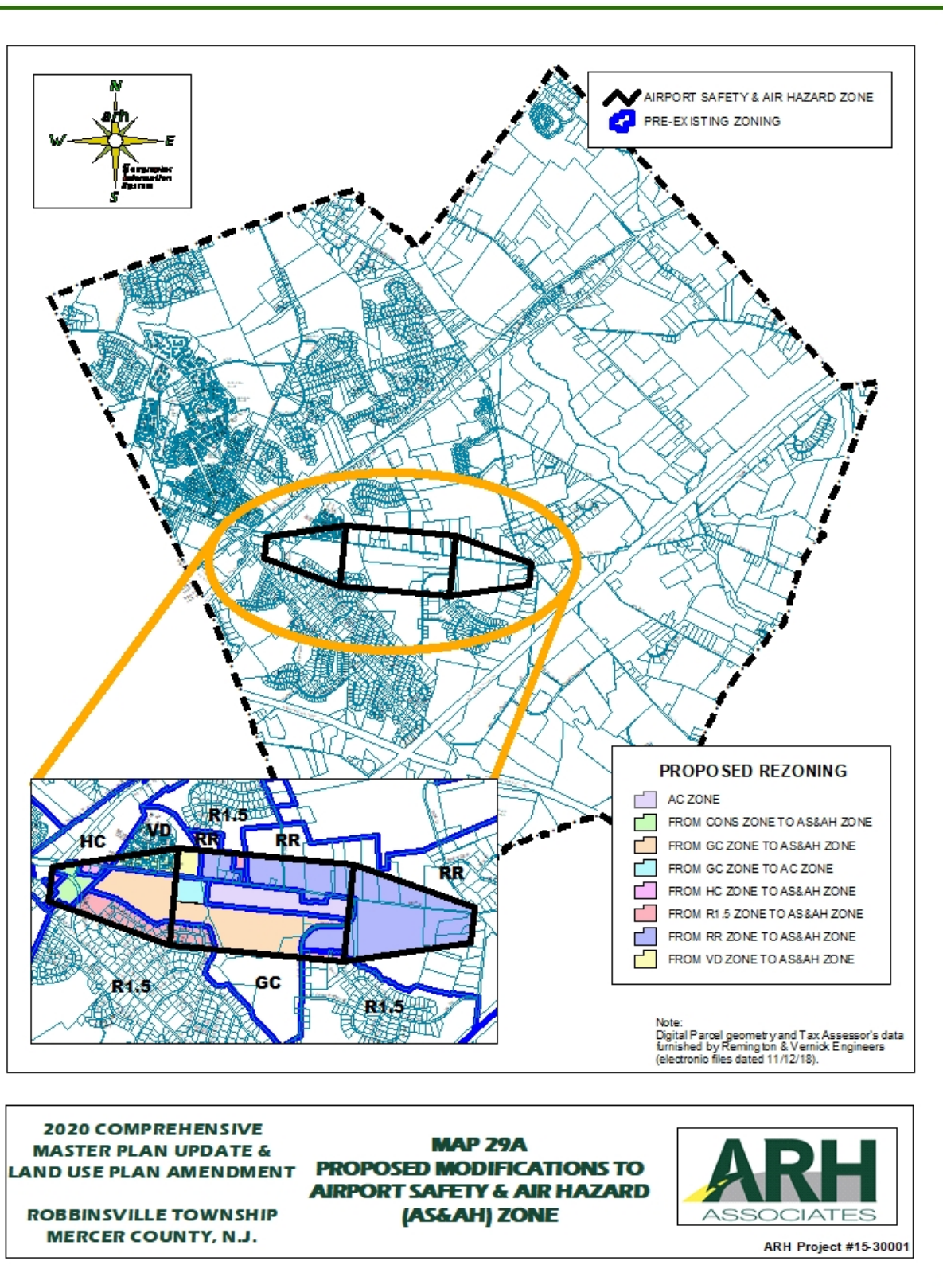
Specifically Prohibited Uses

- *Single-family residential dwelling units except for those in existence prior to the adoption date of this section.*
- *Planned unit development and multifamily dwellings except those units in existence prior to the adoption date of this section.*
- *Hospitals.*
- *Schools.*
- *Bulk flammable or bulk compressed gas storage.*
- *Aboveground bulk tank storage of compressed flammable or compressed toxic gases and liquids.*
- *Within the Runway End Subzones only, the aboveground bulk storage of flammable or toxic gases and liquids.*
- *Incineration facilities.*
- *Uses that may attract massing birds, including landfills.*
- *Above grade major utility transmission lines and/or mains.*

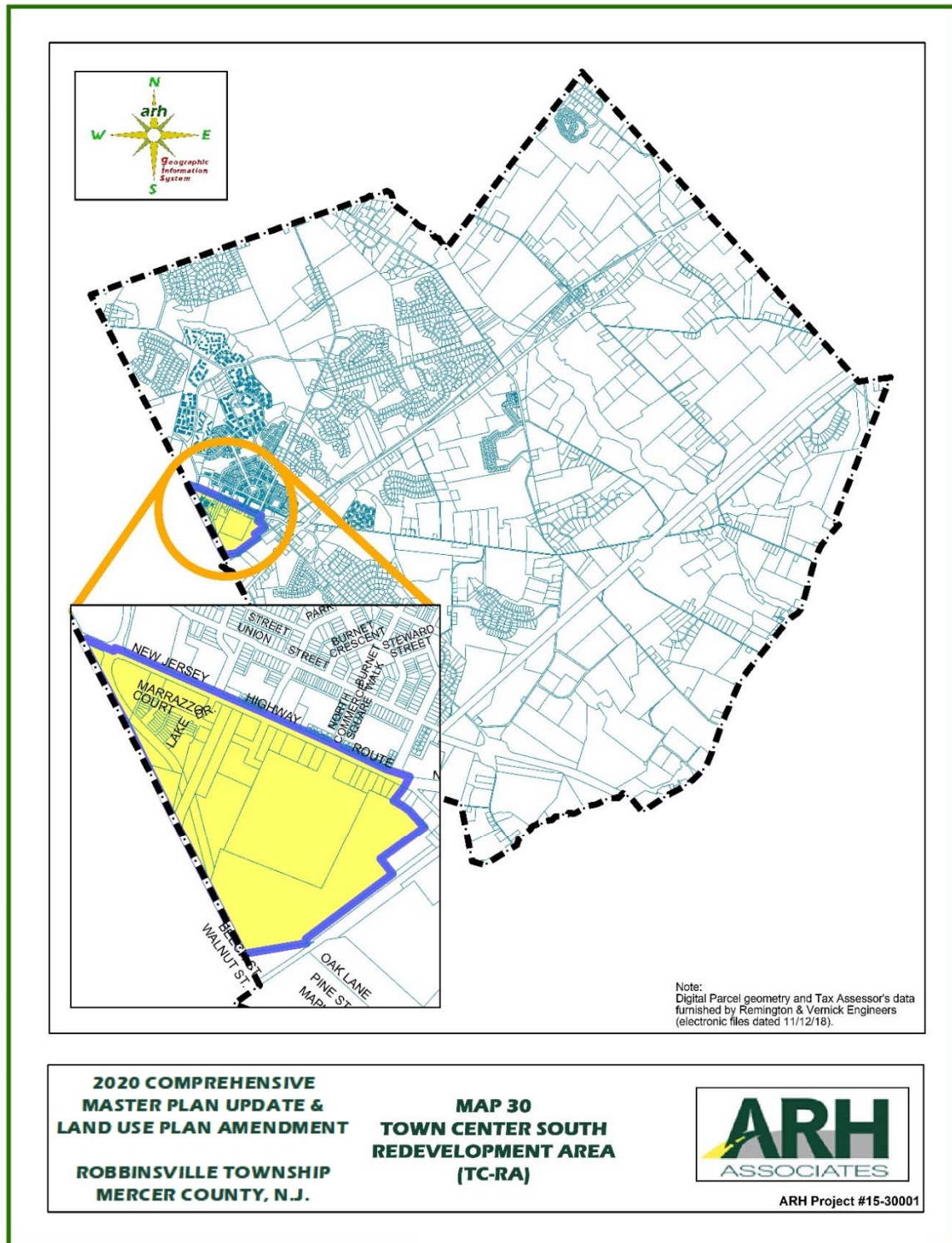
²²¹ Truncated for brevity / clarity. Refer to §142-28 for the full text.

²²² Except if used in conjunction with a prohibited land use.

- Pursuant to §142-28 H., *“the [NJDCA] Commissioner may issue a permit for creation or establishment of a nonconforming use or vertical height development within an Airport Hazard Area”* under certain specified provisions and procedures.
- E. Development regulations for the AS Zone are contained in the balance of §142-28. The methodology for delineating the AS Zone, including the Airport Safety Areas, Runway Subzones, Runway End Subzones and Clear Areas is established by Federal regulation and enumerated in §142-28 C, D and E.
- F. After an in-depth analysis of the land uses within the Zones subject to AS regulations, the following changes are recommended:
1. As detailed in the individual sections of this Master Plan Update addressing the AC, CONS, GC, HC, R1.5, RR and VD Zoning Districts, there are a number of uses permitted by Chapter 142 in the lands subject to the Airport Safety and Air Hazard Zone that are not permitted by superseding Airport [NJDCA] regulations. Recommendations to address these uses are found in the applicable subsections of this Land Use Plan Element. The resulting impact to the Zoning Map is graphically depicted on Master Plan Update Map 29A.
 2. Given the use restrictions in the AS Zone, it is recommended that *“Transportation Uses”* permitted under §142-28 G. be revised to read *“Aviation-Dependent Transportation Uses.”*
 3. To more accurately describe the “Airport Safety and Air Hazard Zone”, it is recommended that the designation of the Zone be changed from “AS” to “AS&AH”.
- G. No additional changes are recommended for the (former) AS (proposed to be renamed AS&AH) Zoning District.



6.5.22 TOWN CENTER SOUTH REDEVELOPMENT AREA (TCS-RA)



In October 2010, the portion of the TC-2 Zone generally bounded by State Highway 33 and the Township's municipal boundary with Hamilton Township, known locally as "Town Center South", was designated to be "An Area In Need of Redevelopment" under the New Jersey *Local Redevelopment & Housing Law*.²²³ A Redevelopment Plan for the Town Center South Redevelopment Area was adopted in March 2012²²⁴ as an explicit amendment to the Township's Zoning District Map and the land use and development provisions of the Township Code.

- A. At Publication of this Master Plan Update, the TCS-RA covered (approximately) 90.4 acres, equating to 0.7% of the Township.
- B. The TCS-RA Zone is governed by the Town Center South Redevelopment Plan which states, under Authorization & Purpose:

Having declared the Town Center South Study Area to be In Need of Redevelopment, and acknowledging that the conditions which caused the Township to make such a declaration are amenable to correction and amelioration by the concerted effort of responsible public bodies ~ and are not likely to be corrected or ameliorated solely by private effort ~ the purpose of this Redevelopment Plan is to provide a mechanism for the orderly (re)planning and (re)development of the Town Center South Redevelopment Area consistent with the Municipal Goals & Objectives established [in Redevelopment Plan §4.0].²²⁵

Such Municipal Goals & Objectives are, in pertinent part ²²⁶

General Statements

- *...To provide the mechanism, via a public / private partnership, for the creation of one or more single-use or mixed-use Project(s) within the Town Center South Redevelopment Area; thereby advancing the Goals & Objectives detailed [in the Redevelopment Plan].*
- *Township Policymakers recognize the financial and planning realities related to the redevelopment of the Town Center South, and are in a position to make available such assistance as may be at the Township's disposal ~ through*

²²³ via Township Resolution No. 2010-202 (on file with the Township Clerk).

²²⁴ via Township Ordinance No. 2012-4 (on file with the Township Clerk).

²²⁵ Town Center South Redevelopment Plan §1.5.

²²⁶ Truncated for brevity / clarity. Refer to the Town Center South Redevelopment Plan for the full text.

the powers of the Redevelopment Law and/or other pro-development agencies and programs ~ should a particular Project so require.

- *Township Policymakers further recognize that certain environmental issues may exist within, on, under or adjacent to the Redevelopment Area. Such issues may include, but need not be limited to, wetlands, threatened or endangered species, underground storage tanks and/or subsurface contamination. Responsibility (financial or otherwise), for the remediation of any conditions found within, on or under any Redevelopment Area property, or for compliance with any State or Federal requirements related thereto, shall be addressed between the Redeveloper and the current property owner in accordance with applicable laws and regulations.*

Town Center Plan

- *While remaining supportive of the Town Center Plan, Township Policymakers recognize that [the Plan's] Intent and Policies were adopted in 1997, and therefore reflect very different economic times and municipal priorities. As such, there is a general concern that the Town Center Zoning & Designed Regulations may be overly burdensome, economically unachievable in today's climate. Accordingly, such Intent and Policies are... revised for the Redevelopment Area as follows:*
- *Legislative Intent: Institute standards, requirements and guidelines for the TC-2 Zone in order to create a mixed-use district comprised of a variety of housing stock; commercial; public and quasi-public uses; and open space areas designed to serve as both passive and active amenities for the community.*
- *Policy Statements*
 - *Develop a Town Center which reflects the traditional character of the Township as it transitions from a rural to suburban community.*
 - *Encourage innovative mixed-use / multiple-use plans in order to accommodate housing demand for varying age groups and income levels via a variety of unit type, design and layout. Toward this end, provide for smaller lots than presently exist in the Township to accommodate single-family detached units, duplexes, townhouses and apartments / residential flats.*
 - *Provide for the conservation and more efficient use of open space.*
 - *Require, where practicable, the interconnection of existing and proposed uses so as to create integrated neighborhoods and a greater sense of community by using design techniques that provide for modified deflected street patterns with radial and axial streets.*
 - *Provide a layout of streets and open space edges which encourage pedestrian interconnections to the Town Center's civic and commercial uses.*

- *Provide a clearly articulated and rationally designed open space system which consists of both integrated and peripheral active and passive parks and which advances [the above].*
- *Extend greater opportunities for housing, commercial and recreation facilities to all residents of the Township.*
- *Encourage a more efficient use of land and public services by directing development in a pattern that resembles traditional mixed-use, multiple-use Town Center.*
- *Institute Review & Approval procedures to ensure that Redevelopment Projects relate type, design and layout to the context of their environs; and to the Township's goal of encouraging neo-traditional mixed-use development.*
- *Establish policies and procedures intended to promote flexibility in development while maintaining the integrity of the Town Center Plan.*
- *Direct development to the Town Center in an effort to preserve the remaining rural, historic and agricultural character of the larger community.*
- *Institute land development practices which will promote the public health, safety and welfare by creating a Town Center as an alternative to conventional, modern, use-segregated developments such as larger lot suburban subdivisions and strip commercial development.*
- *Establish a street and path network which accommodates an integrated multi-modal transportation system with the intent of providing safe pedestrian connections...*
- *Alleviate undue traffic congestion by reducing excessive Sprawl and the segregation of land uses which result in the inefficient use of land and which necessitates the use of private vehicles.*
- *Discourage uses and design patterns which contribute to traffic congestion through the dependence on private automobiles.*
- *Promote the creation of places which are oriented to the pedestrian and promote citizen security and social interaction.*
- *Establish community "greens" which act as focal points of activity and interaction for both commercial and residential neighborhoods and the community at large.*
- *Promote development with visual and spatial characteristics as expressed in the Town Center's Design Regulations.*
- *Promote development where physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible site and architectural design elements which relate the design characteristics of an individual structure or development to other existing and/or planned structures or developments in a harmonious manner; thereby resulting in a coherent overall development pattern and streetscape.*

- *Promote the creation of neighborhoods and districts that are identifiable in the landscape, surrounded by open space and sensitive in the preservation of natural features.*
- *Develop a plan that addresses the fiscal imbalance of current zoning and provides a phasing of development of the Town Center in a fiscally responsible manner.*

Municipal Land Use Law

In addition to the Intent and Policies of the Town Center..., [the] Redevelopment Plan [was] crafted to advance the following purposes of the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-2):

- *Constituting municipal action to guide the appropriate use and redevelopment of lands in a manner which will promote the public health, safety, morals and general welfare;*
- *Providing for Redevelopment Projects in a manner which will secure safety from fire, flood, panic and other natural and man-made disasters;*
- *Ensuring that the Redevelopment Projects will provide adequate light, air and open space;*
- *Ensuring that redevelopment in Robbinsville does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;*
- *Establishing appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions while preserving the environment;*
- *Encouraging the appropriate and efficient expenditure of public funds by the coordination of public [and private] development with land use policies;*
- *Providing sufficient space in appropriate locations for agricultural, residential, and commercial uses, and open space, according to their respective environmental requirements in order to meet the needs of Township citizens;*
- *Locating and designing transportation routes which will promote the free flow of traffic and avoid congestion and blight;*
- *Promoting a desirable visual environment through creative development techniques and good civic design and arrangement;*
- *Promoting the conservation of open space, energy resources and valuable natural resources while preventing [Sub]urban Sprawl and degradation of the environment through improper use of land;*
- *Encouraging planned unit development which will incorporate the best features of design and relate the type, design and layout of residential, commercial and other development to the Town Center;*
 - *Encouraging coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;*

- *Promoting the utilization of renewable energy resources; and*
- *Promoting the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.*

Redevelopment Plan Goals & Objectives

- *Reverse or remove the conditions documented during the Preliminary Investigation²²⁷ which led the Township to designate Town Center South as being In Need of Redevelopment under the Local Redevelopment and Housing Law.*
- *Stabilize the Town Center by eliminating negative and/or blighting influences. Prevent the spread of such influences by the application of comprehensive Redevelopment Plan controls.*
- *Renovate and/or rehabilitate substandard and/or underproductive buildings or improvements in the Redevelopment Area which, singularly or in combination, represent conditions detrimental to the safety, health and welfare of the community.*
- *Remove and replace substandard buildings or improvements where renovation / rehabilitation is not practicable or desirable, including where such buildings or improvements do not lend themselves to reuse in a manner consistent with [the] Redevelopment Plan.*
- *Remove substandard dwelling units within the Redevelopment Area and replace such units with decent, safe and sanitary housing; including both rental and ownership housing, and housing for a variety of age groups and affordability ranges. Where necessary and appropriate, such replacement housing may be located outside of the Redevelopment Area.*
- *Generate revenue for the municipality by introducing to productive use, undeveloped Township-owned and other lands which, for reasons identified in the Preliminary Investigation,²²⁷ are not likely to be developed solely through the instrumentality of private capital, and which therefore represent a lost opportunity for valuable contribution to the welfare of the community.*
- *Stimulate private development by allowing maximum flexibility in land use, project design and building regulations while protecting, to the maximum extent practicable, the Town Center Plan as well as the natural environment both within and adjacent to the Redevelopment Area.*
- *Provide for the creation ~ by the Township alone or in partnership the designated Redeveloper ~ of appropriate recreation and community facilities which will serve as amenities not only for the Redevelopment Area, but for the greater Town Center area and Robbinsville as a whole.*

²²⁷ The analysis which recommended that the Town Center South Study Area qualified as an Area in Need of Redevelopment.

- *Reorganize and re-plan the Redevelopment Area via a combination of land consolidation, subdivision and other mechanisms in order to create Redevelopment Tracts of appropriate size and shape to facilitate market-driven Projects designed to advance and achieve [these] Municipal Goals & Objectives....*
 - *Within this context, and in light of the financial realities of developing Projects in the current economic climate, such replanning necessitates the relaxation of certain Town Center Plan regulations as relate to the Redevelopment Area.*
 - *Permit flexibility in the Town Center Plan TC-2 regulations in order to maximize the development potential of Town Center South in a manner that is mutually supportive with Town Center North. Within this context:*
 - *Provide for an appropriate mix of commercial, office, residential and other uses as necessary to achieve these Municipal Goals & Objectives.*
 - *Encourage and promote Redevelopment Projects which are consistent with Smart Growth / New Urbanism Principles²²⁸ and Neo-Traditional design.*
 - *Create as seamless a linkage as possible*
 - *among and between the individual Redevelopment Tracts within the Redevelopment Area; and*
 - *between the Redevelopment Area and the balance of the Town Center; thereby using the Redevelopment Project(s) as a unifying anchor for achieving the Town Center Plan.*
- Within this context:*
- *work with NJDOT and other Relevant Governmental Agencies, as appropriate, to create the Route 33 Bypass;²²⁹*
 - *ensure appropriate external access to and internal circulation within the Redevelopment Area for passenger vehicles, delivery vehicles, recreational users²³⁰ and pedestrians; and*
 - *provide for adequate (surface and/or structured) parking to support the Redevelopment Project(s) anticipated.*
 - *Promote the efficient and effective provision of necessary infrastructure and related services for the Redevelopment Area while addressing economic, regulatory and permitting issues which have heretofore impeded the development of common infrastructure elements.*
 - *Provide for appropriate aesthetics, visibility and security while remaining consistent with similar elements established in Town Center North.*

²²⁸ Redevelopment Plan Exhibit 17

²²⁹ As detailed in §6.5.22 F.9 herein, the concept of the Route 33 Bypass has since been abandoned.

²³⁰ Bicycles, rollerblades and like and similar uses.

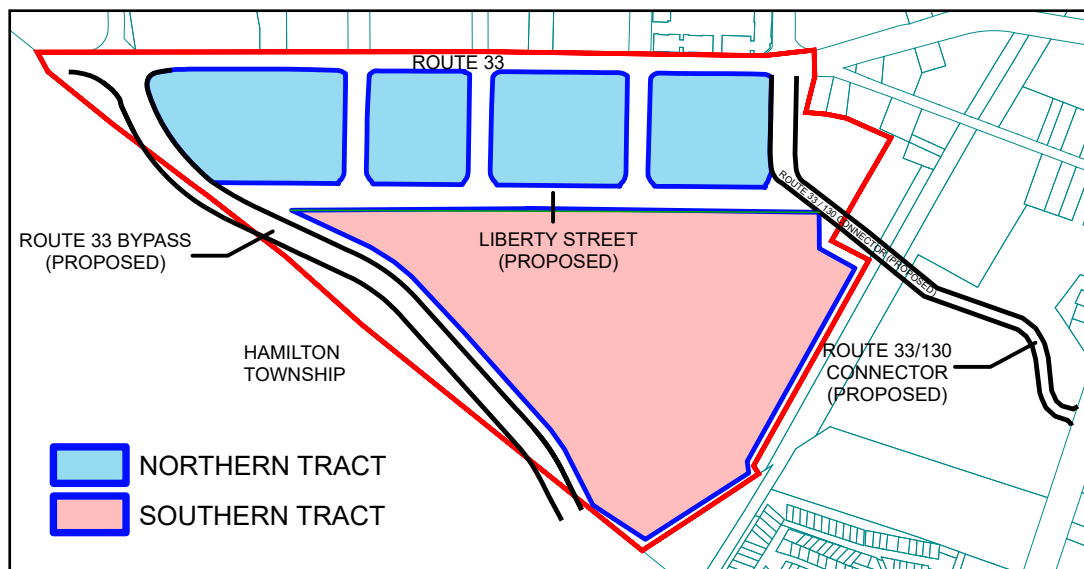
- *Minimize, to the maximum extent practicable and appropriate, fiscal and operational impacts to Township residents which may result from a substantial Project(s) in the Redevelopment Area. Such impacts may include, but are not limited to, provision of municipal services and increase in school district taxes related to an increase in the number of students enrolled in the Township's school system arising from a Redevelopment Project.*
- *Maximize tax revenue, generate new tax ratables or otherwise²³¹ provide for substantial return to the public sector by the (re)development and active (re)use of unutilized or underutilized lands, which, singularly or in combination, represent a lost opportunity for valuable contribution to the welfare of the community.*
- *Utilize zoning, tax abatement and other financial and non-financial incentives and programs where appropriate, to achieve these Goals & Objectives.*
- *Stimulate, strengthen and enhance the Township's economic base and provide for increased employment and business opportunities resulting from development and operation of a significant Redevelopment Project(s) in the Redevelopment Area which will:*
 - *Attract new businesses in (to) the Township;*
 - *Retain and expand existing businesses in the Township; and*
 - *Create jobs targeting the full spectrum of skill-levels; thereby supporting the widest possible employment base for Township and non-Township residents during construction and (as applicable) operation of the Redevelopment Project(s).*
- *Provide for the reorganization, consolidation and, where necessary and practicable, relocation of existing land uses to suitable locations ~ either within the Redevelopment Area or, where appropriate, elsewhere in the Township; thereby coordinating form and function to ensure that uses are compatible with the built environment.*
- *Protect and enhance lands and buildings which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which under [the] Redevelopment Plan is necessary, with or without change in their condition, for the effective revitalization of the Redevelopment Area.²³²*
- *Provide, in accordance with applicable law, for the relocation of residents, businesses and occupants within the Redevelopment Area which may be required to effectuate [the] Redevelopment Plan.*
- *To the extent reasonably practicable, work with the designated Redeveloper to minimize disruption of the residential and business communities both within and adjacent to the Redevelopment Area during and after construction.*

²³¹ via P.I.L.O.T. or other appropriate mechanisms.

²³² As permitted under N.J.S.A. 40A:12A-3 & 14

- *To the maximum extent reasonably practicable during and after construction, avoid and protect the undisturbed lands that may exist within or adjacent to the Redevelopment Area.*
- *Establish, where required by the Relevant Permitting Agencies, such Environmental Protection Measures as may be necessary and appropriate to allow for, to the maximum extent practicable within the context of the Redevelopment Project(s) proposed:*
 - *preservation of high-quality undisturbed lands as may exist within the Redevelopment Area.*
 - *restoration of formerly environmentally sensitive lands which have been disturbed or spoiled by previous activity.*
 - *provision of open space and recreation areas of appropriate size and function to compliment the Redevelopment Project(s) proposed.*

C. The Redevelopment Plan divides the Redevelopment Area into an approximately 26 gross acre²³³ Northern Tract and an approximately 36.8 gross acre Southern Tract; with each Tract programmed for specific land uses and building controls designed to provide standards for the physical (re)development of each Redevelopment Tract (graphically depicted on Master Plan Update Graphic 11).



Master Plan Update Graphic 11²³⁴

²³³ Acreage calculations are approximate. A Property Survey, performed by a licensed Land Surveyor, is required for precise measurements.

²³⁴ Excerpted from Parcellation Plan (§7.3) of the Town Center South Redevelopment Plan.

As detailed in §6.5.22 F.9 herein, the Proposed Route 33 Bypass has since been abandoned.

Within this framework, Redevelopers and their designers are encouraged to exercise maximum ingenuity and creativity in order to achieve the Goals & Objectives of the Redevelopment Plan.

1. The intent of the Northern Tract (Redevelopment Plan §7.4.1) is to:

...complement the development on Town Center North and thereby complete the Town Center Commercial Core, which is envisioned by the Town Center Plan as the area with the highest density and the most activity within the Town Center. Permitted uses may be integrated to form mixed-use facilities.

2. The intent of the Southern Tract (Redevelopment Plan §7.4.2) is to:

...create a community focal-point / gathering area (what Planners call a Sense of Place) for the residents of Robbinsville (and others), with a central core of civic facilities surrounded by residences and specialized Retail, cultural and food & beverage uses.

3. Consistent with the Goals & Objectives of the Redevelopment Plan, the intent of this Parcellation Plan is to provide various areas within which specified land uses and building types may be situated in order to master plan a vibrant mixed-use community with such commercial and recreational amenities as may be appropriate while remaining sensitive to the environmental conditions surrounding the area.

The Township reserves the right to permit an Alternate Parcellation Plan should a particular Expression of Interest (i.e., redevelopment proposal) merit such action.

- D. Redevelopment Plan §7.4.1 A. and B. and §7.4.2 A. and B. specify Permitted Principal and Accessory Uses in the Redevelopment Area's Northern and Southern Tracts:

Permitted Principal Uses: Northern Tract

- *Commercial / Office / Retail / Urban Apartment Buildings as multistory, mixed-use structures with:*

- *Neighborhood- & Regionally-oriented Retail & Service Activities*,²³⁵ limited to the ground floor, except that multi-story Retail uses may extend above the ground floor where appropriate;
- *Fully-enclosed or open-air eating and drinking establishments*²³⁶ and specialty food and beverage outlets, including those which may serve alcoholic beverages,²³⁷ permitting service in a dine-in or take-out manner [but excluding fast-food and drive-through facilities²³⁸]. Limited to the ground and 2nd floors;
- *Retail liquor stores...*
- *General Business, Professional, Medical, Administrative or Consulting service offices and like and similar facilities. limited to the ground and 2nd floors; and*
- *Urban Apartments*,²³⁵ limited to Age-Targeted housing.²³⁵
- *Museums (cultural or popular), art galleries; artist, musician & photographer studios; and like and similar activities.*
- *Motion Picture or live performance Theaters.*
- *Public Community Centers, including performing and fine arts space, meeting / multi-purpose rooms, auditoriums [sic] and like and similar uses...*
- *Public, Semi-Public and/or Private Utility Facilities as may be required to service this section of the Township.*
- *Administrative offices and related facilities as may be necessary and convenient to the provision of municipal services by the Township.*

Permitted Principal Uses: Southern Tract

- *Age-restricted and non-age-restricted but Age-Targeted Housing*²³⁵ as follows:
 - *Residential Duplex Structures.*
 - *Residential Townhouse Structures.*
 - *Garden Apartments within Garden Apartment Buildings*²³⁵
 - *Public Community Centers, including performing and fine arts space, meeting / multi-purpose rooms, auditoriums [sic] and like and similar uses.*

Where enclosed, the following uses shall be located within the Structural Types permitted [for Age-restricted and non-age-restricted

²³⁵ Defined in the Redevelopment Plan.

²³⁶ Including Bars, Taverns and Nightlife Establishments (provided that food is served).

²³⁷ Coffee houses / coffee bars, ice cream parlors and like and similar facilities.

²³⁸ Since deleted.

but Age-Targeted Housing and Garden Apartments within Garden Apartment Building²³⁵].

- *Neighborhood- & Regionally-oriented Retail & Service Activities;²³⁵*
- *Fully-enclosed or open-air eating and drinking establishments and specialty food and beverage outlets;²³⁷ including those which may serve alcoholic beverages, permitting service in a dine-in or take-out manner [but excluding fast-food and drive-through facilities²³⁸];*
- *Non-Retail commercial²³⁹ and Service uses;*
- *Museums (cultural or popular), art galleries; artist, musician & photographer studios; and like and similar activities.*
- *Bed-and-breakfast establishments.*
- *Administrative offices and related facilities as may be necessary and convenient to the provision of municipal services by the Township.*
- *Active & Passive Public Open Space, including parks, playgrounds, programmed recreation areas; and like and similar uses.*
- *Solar or other form of Renewable / Alternative Energy Production Facilities, but specifically excluding windmills, wind turbines or other facilities requiring towers.*
- *Public, Semi-Public and/or Private Utility Facilities as may be required to service this section of the Township.*

Permitted Accessory Uses: Northern Tract

- *Limited Retail and food & beverage sales and non-Retail Amenities as are normally and customarily associated with a Principal Use permitted on the Northern Tract.*
- *Home-Based Businesses...*
- *Automated Teller Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks.*
- *Internal Maintenance and Storage Areas.*
- *Surface parking lots or structured parking garages to support uses within the Redevelopment Area.*

Permitted Accessory Uses: Southern Tract

- *Typical Amenities as are normally and customarily associated with the Principal Uses permitted on the Southern Tract, including, but not limited to, surface parking pads and/or traditional detached residential parking garages.*
- *Home-Based Businesses...*

²³⁹ General Business, Professional, Medical, Administrative or Consulting service offices and like and similar facilities.

- *Limited Retail and food & beverage sales and non-Retail Amenities as are normally and customarily associated with a Principal Use permitted on the Southern Tract.*
- *Automated Teller Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks.*
- *Maintenance and Storage sheds.*
- *Surface parking lots or structured parking garages to support uses within the Redevelopment Area.*

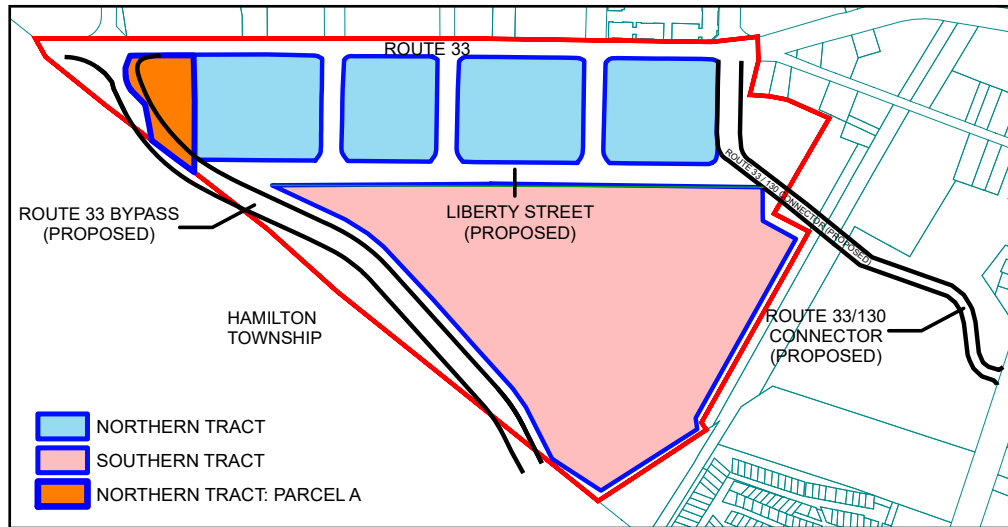
E. The Redevelopment Provisions for the Redevelopment Area, including *Review Procedures; Standards & Controls of General Applicability; Development Regulations; Circulation, Parking & Loading Plan; Utility & Easement Controls; and the Open Space, Landscaping & Streetscaping Provisions* are contained in the balance of the Redevelopment Plan.

F. Significant Activities since the Adoption of the Redevelopment Plan²⁴⁰

1. Walgreens

- a. Upon adoption of the Redevelopment Plan, the Township issued a Request for Expressions of Interest solicitation seeking Redevelopers for the Redevelopment Area. Upon review of the Expressions of Interest received, the Governing Body designated "The Ferber Company, Inc." ("Ferber") as Redeveloper Candidate for Block 1, Lots 1.01, 2 and 3, and authorized the commencement of negotiations of a Redevelopment Agreement for a 14,820 s.f. Walgreens Pharmacy / Convenience Store with drive-through and parking.
- b. Block 1, Lots 1.01, 2 and 3 were designated Northern Tract: Parcel A. to the Redevelopment Area (graphically depicted on Master Plan Update Graphic 12)

²⁴⁰ All referenced Resolutions and Redevelopment Plan Amendments are on file with the Planning Board Secretary.



Master Plan Update Graphic 12²⁴¹

- c. In October 2012, Ferber submitted an application to the Robbinsville Planning Board seeking Preliminary and Final Major Site Plan and Subdivision Approvals with Certification of Redevelopment Plan Conformance for the Walgreens. Such approvals were granted in November 2012. Construction commenced immediately thereafter, and the Walgreens opened in November 2013.

Subsequently, Ferber submitted a request for and was issued a Certificate of Completion & Compliance for the Project, certifying, in pertinent part:

That construction of the Walgreens pharmacy and convenience store and associated improvements,... have been completed in accordance with the applicable provisions of the "Town Center South Redevelopment Plan"... the "Northern Tract: Parcel A. Amendments to the Redevelopment Plan"... the Redevelopment Agreement by and between the Township of Robbinsville and 2012 Robbinsville Associates, LLC... and Planning Board Resolution No. PB2012-11...

The conditions determined to exist at the time Block 1, Lot 1.02 (formerly Block 1, Lots 1.02, 2, and 3) was declared to be In Need of Redevelopment no longer exist. Pursuant to Redevelopment Plan §14.2, the controls contained in the Redevelopment Plan and RDP

²⁴¹ Excerpted from Parcelization Plan (§7.3) of the Northern Tract: Parcel A Amendments to the Town Center South Redevelopment Plan.

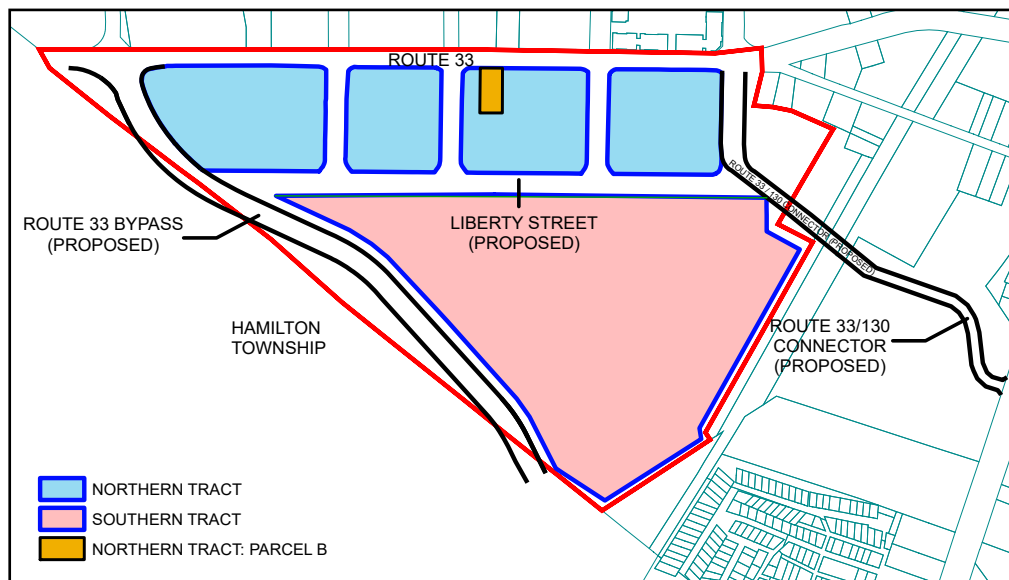
As detailed in §6.5.22 F.9 herein, the Proposed Route 33 Bypass has since been abandoned.

Supplement for Block 1, Lot 1.02..., with the exception of the Development Regulations (Redevelopment Plan §7.4), Architectural Controls (Redevelopment Plan §7.5) and the Equal Opportunity provisions (Redevelopment Plan §11.0) are hereby terminated. Pursuant to [the] Redevelopment Plan..., the Development Regulations and Architectural Controls for Block 1, Lot 1.02... remain in effect.

2. JP Properties

- a. In or about February 2012, J.P. Property Investment, LLC. ("JP") submitted an application to the Planning Board for Preliminary and Final Site Plan Approval in order to construct a 4-story mixed use building on Block 1, Lot 17. At that time, the Township was in the process of finalizing ~ but had not yet adopted ~ the Redevelopment Plan.

After consultation with the Township, JP suspended this Application and, in December 2012 resubmitted the Application under the then-newly-adopted Redevelopment Plan. Block 1, Lot 17 was designated Northern Tract: Parcel B. to the Redevelopment Area (graphically depicted on Master Plan Update Graphic 13).



Master Plan Update Graphic 13²⁴²

²⁴² Excerpted from Parcelization Plan (§7.3.1 B) of the *Northern Tract: Parcel B Amendments* to the Town Center South Redevelopment Plan.

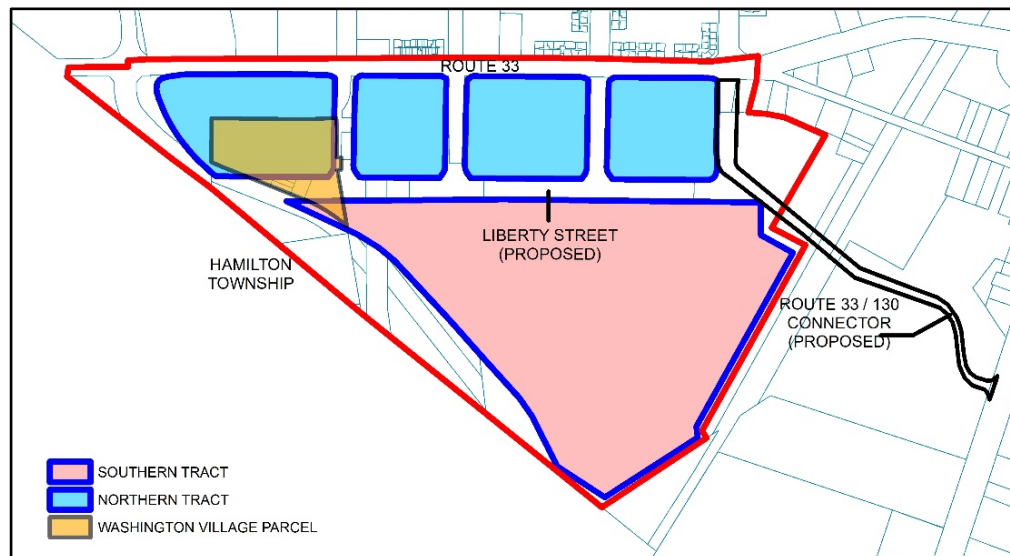
As detailed in §6.5.22 F.9 herein, the Proposed Route 33 Bypass has since been abandoned.

- b. In undertaking their due diligence, JP and the Township identified certain revisions to the Redevelopment Plan as being necessary and appropriate to the development. Such revisions were embodied in the "Parcel B. Amendments" to the Redevelopment Plan.

The project was approved by the Planning Board on or about June 2014. At Publication of this Mater Plan Review, construction had yet to commence.

3. Washington Village, LLC.

- a. In or about June 2014, Washington Village, LLC. submitted an application to the Planning Board for Preliminary and Final Site Plan Approval with Redevelopment Plan Conformance in order to construct a 64-unit Garden Apartment complex in the form of two, identical, 32-unit, four story buildings around a common courtyard on Block 1, Lots 66-70, 72-74 and 11.03-11.05, Block 1.03, Lots 1-8, Block 1.04, Lots 1-8, Block 1.05, Lots 1-11, Block 1.06, Lot 1 (graphically depicted on Master Plan Update Graphic 14).



Master Plan Update Graphic 14

No Redevelopment Plan amendments were required to effectuate this project.

- b. The project was initially approved in February 2015.

In August 2016, the Planning Board approved an application for Amended Final Site Plan Approval, Minor Subdivision Approval and architectural revisions to the Project by the Sharbell Building Co., LLC. ~ [then] Contract Purchaser of the Project. Such amendments made minor adjustments to the footprints of the buildings, modified the building architecture and added Project amenities.

In or about June 2017, the Planning Board approved a further amendment to the Preliminary and Final Site Plan and a Minor Subdivision in order to relocate the previously approved underground detention basin to an above-ground basin at the rear of the Site and to better align the connection between Liberty Street and Washington Boulevard.

At Publication of this Mater Plan Review, construction had yet to commence.

4. MSBNYC Development, Inc. ("MSBNYC")

- a. In or about July 2014, the Township received an Expression of Interest (i.e., redevelopment proposal) from MSBNYC, a Real Estate development company based in Monsey, New York, for a multi-building, mixed-use Redevelopment project on a 44.54-acre portion of the Redevelopment Area known as Block 1, Lots 32 and 65 (graphically depicted on Master Plan Update Graphic 15). The Project was to be known as The Campus.

After review of the Expression of Interest, the Governing Body, in August 2014, designated MSBNYC as Redeveloper Candidate and authorized the commencement of negotiations of a Redevelopment Agreement for The Campus Project.

Such negotiations were ultimately unsuccessful and Redeveloper Candidate designation expired in July 2015.



Master Plan Update Graphic 15

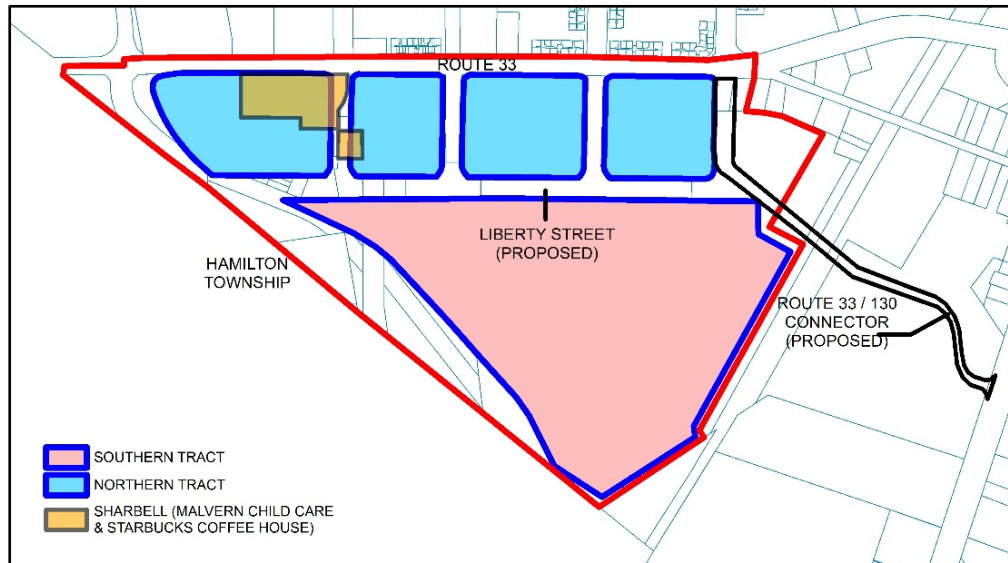
5. Sharbell ~ Malvern Child Care Facility & Starbucks Coffee House

- a. In January 2015, the Township received an Expression of Interest (i.e., redevelopment proposal) from a partnership of Sharbell Washington, Inc. and Brentwood Holdings, LLC, ("Sharbell") for the development of a 2-story Childcare Center and a single-story Coffee House on Block 1, Lot 71 in the Redevelopment Area's Northern Tract, with additional improvements possible on the Northern Tract's Block 1, Lot 11.02 and a realignment of the proposed Lake Drive south of Route 33.

Such lands were designated Northern Tract: Parcel C. to the Redevelopment Area (graphically depicted on Master Plan Update Graphic 16).

- b. The Township designated Sharbell as a Redeveloper Candidate for the property in February 2015,²⁴³ subject to the negotiation and execution of a Redevelopment Agreement setting forth the respective rights and obligations of the parties in connection with such redevelopment.

²⁴³ Brentwood transferred its interest in the Project to Sharbell in or about May 2015, leaving Sharbell to proceed as the sole Redeveloper Candidate for the Project.



Master Plan Update Graphic 16

- c. In undertaking their due diligence, Sharbell and the Township identified certain revisions to the Redevelopment Plan as being necessary and appropriate. Such revisions were embodied in the "Parcel C. Amendments" to the Redevelopment Plan.
- d. In or about October 2015, Sharbell submitted an application to the Planning Board for Preliminary and Final Major Site Plan Approvals with Certification of Redevelopment Plan Conformance in order to construct a 8,640 s.f., 2-story Malvern Child Care center and a separate, 2,300 s.f. Food & Beverage Outlet with drive-through service on Block 1, Lots 71 and 11.02 in the Redevelopment Area. Additional improvements included parking, vehicular access and stormwater management facilities.

In or about November 2015, the Board granted Preliminary and Final approvals for the Malvern facility and Preliminary approvals for the Food & Beverage Outlet.

Construction on the Malvern Center commenced in June 2016. The facility opened in May 2017.



In or about November 2016, Sharbell submitted an application to the Planning Board for Final Site Plan Approval with Certification of Redevelopment Plan Conformance for the Food & Beverage Outlet, which had by then been identified as a Starbucks. Such approvals were granted in or about December 2016.

Construction on the Starbucks commenced in February 2017. Starbucks opened in September 2017.

6. Ordinance Nos. 2014-27 & 2014-21

- a. In order to ensure the preservation of open space in the Redevelopment Area, the Township, in November 2014, adopted Ordinance No. 2014-27, the purpose of which was to permanently dedicate 22[±] acres of Township-owned Redevelopment Area land in Redevelopment Area Block 1, Lots 32 and 65 “by way of deed as open space to be used as active and/or passive purposes”.
- b. Responding to a number of issues brought to the Township's attention since the adoption of the Redevelopment Plan, additional amendments to the Plan were made in December 2014 via Ordinance No. 2014-21.

7. Affordable Housing Amendments

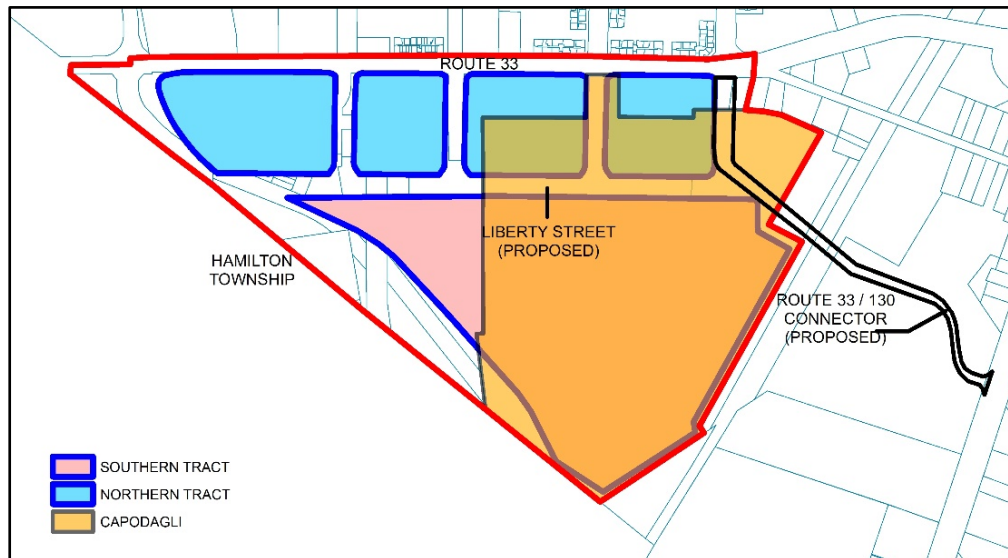
To better address its Affordable Housing obligations, the Township replaced the Affordable Housing requirements of the Redevelopment Plan²⁴⁴ with language requiring a minimum of 15% of the total number of rental units in a project and a minimum of 20% of the total number of for sale units in a project be “affordable.”

These changes were made via Ordinance 2017-13, adopted June 2017.

²⁴⁴ Redevelopment Plan §12.8.6

8. Capodagli Property Company, LLC. ("Capodagli")

- a. In July 2016, the Township received an Expression of Interest (i.e., redevelopment proposal) from Capodagli, a Real Estate development company based in Linden, New Jersey, for a multi-building, mixed-use Redevelopment project consisting of a minimum of 500 senior and family rental units, retail space and a hotel / catering / conference center on an approximately 44.5-acre portion of the Redevelopment Area known as Block 1, Lots 32 and 65.



Master Plan Update Graphic 17

- b. After review of the Expression of Interest, the Governing Body, in March 2017, designated Capodagli as Redeveloper Candidate and authorized the commencement of negotiations of a Redevelopment Agreement for the Project. After undertaking its due diligence, Capodagli determined that the traffic improvements necessary for the project as envisioned were beyond the economic viability of the Project.

Redeveloper Candidate designation was permitted to expire in November 2017.

9. Cancellation of the Route 33 Bypass

Township Resolution 2002-61, adopted by the [then] Washington Township Committee in February 2002, requested that the New Jersey Department of Transportation proceed with the design of a southerly bypass connecting Route 33 with Route 130 as a critical component of the development of the Town Center ("Route 33 Bypass"). At the time, it was anticipated that the Route 33 Bypass would be constructed in concert with the developers of the portion of the Town Center that eventually became the Redevelopment Area.

For a myriad of issues, including, but not limited to, a lack of State funding, it became apparent that the Route 33 Bypass would not be constructed. As a result, in an effort to provide continued economic viability to this section of the Township and to address future traffic patterns, the Township began working with existing and future developers of the Redevelopment Area to design and construct an internal road system as an alternative to the Route 33 Bypass.

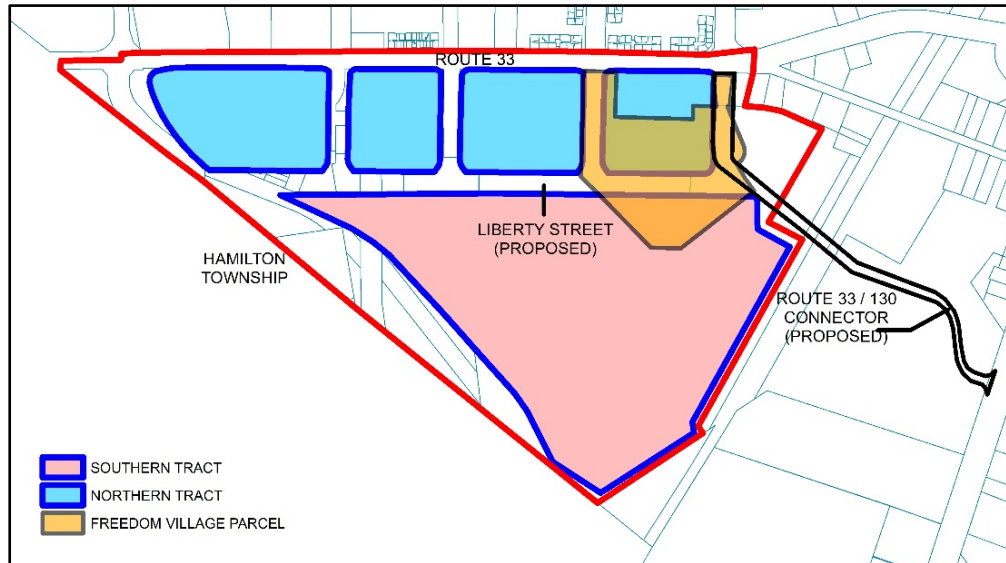
In order for the development of the Redevelopment Area to continue, and to allow for the alternative road system to be constructed, the Township, in February 2017, formally requested that NJDOT abandon and cancel the proposed Route 33 Bypass. It is believed that Hamilton Township adopted and transmitted a similar Resolution to NJDOT at or about the same time and for similar reasons.

10. Freedom Village

- a. In July 2017, in response to litigation related to its constitutional obligation to provide for a reasonable opportunity for low- and moderate-income housing, the Township included lands on the municipally-owned portion of the Redevelopment Area in its court-mandated Housing Element & Fair Share Plan;²⁴⁵ thereby reserving such lands for the provision of Affordable Housing.

²⁴⁵ §5.3.2 B. herein.

After a number of attempts to develop large, profit-driven projects in the Redevelopment Area proved unsuccessful,²⁴⁶ the Township, in November 2017, solicited Project Freedom, Inc. to provide low- moderate-income housing on a portion of the Redevelopment Area.



Master Plan Update Graphic 18

- b. Project Freedom, Inc. is a not-for-profit²⁴⁷ New Jersey corporation dedicated to developing, supporting and operating / managing independent living opportunities for persons with disabilities and for income-eligible families. Project Freedom communities provide supportive services such as recreation, training and advocacy in order to empower individuals with disabilities to live independently in a non-medical environment. Project Freedom, Inc. has developed and operates a number of successful such projects in the region, including the 30-unit Project Freedom Robbinsville at 223 Hutchinson Road.

The Project Freedom, Inc. project (named “Freedom Village”) is a 72-unit community for families and persons with disabilities, as well as non-disabled

²⁴⁶ §6.5.22 F. 4 & 8 herein.

²⁴⁷ 501(c)(3)

families, on Township-owned Block 1, Lots 32 and 65 within the Redevelopment Area.²⁴⁸

The Project consists of four, 3-story residential buildings totaling 14 one-bedroom units, 40 two-bedroom units and 18 three-bedroom units. Eighteen of the units are “Supportive Housing Units”, with the remaining 54 units are family rentals.

All units meet the income and other restrictions of New Jersey’s Uniform Housing Affordability Controls,²⁴⁹ and are therefore affordable to “very-low-income,” “low-income” or “moderate-income” households. The project includes a separate clubhouse for resident services and community events as well as a gazebo and exterior passive recreation space.

- c. In January 2018, the Township entered into a Development Agreement with Project Freedom, Inc. for the development of Freedom Village. Such Agreement designates Project Freedom, Inc. as “Developer” for these lands.²⁵⁰

As part of the Developer’s Agreement, the Township agreed to donate the land to Project Freedom for \$1.00²⁵¹ and provide \$600,000 to cover pre-development costs. These funds will come from the Township’s Affordable Housing Trust Fund.

- d. As the Township and Project Freedom, Inc. worked to finalize details related to the Freedom Village Project, they identified certain revisions to the Redevelopment Plan as being necessary and appropriate to achieve the project concept as submitted. Such revisions were embodied in the “Freedom Village Amendments” to the Redevelopment Plan.

²⁴⁸ With Block 1, Lot 25.02 providing emergency access to the Project.

²⁴⁹ N.J.A.C. 5:80-26.1 et seq. (“UHAC”)

²⁵⁰ Such “Developer” designation has the same force and effect as “Redeveloper” designation under the Redevelopment Plan.

²⁵¹ Additionally, the Township agreed to include Township-owned Block 1, Lot 25.02 within the donation in order to provide emergency access to the development.



In March 2018, the Planning Board approved an Application by Project Freedom Inc. to subdivide portions of Block 1, Lots 32 and 65 in order to create new Lot 65.01 for the Freedom Village Project and new Lot 65.02 as the remaining lands from the original lots.

In or about April 2018, Freedom Village, Inc. submitted an application to the Planning Board for Preliminary and Final Major Site Plan Approvals with Certification of Redevelopment Plan Conformance in order to construct Freedom Village. Such approvals were granted in May 2018.

- e. In November 2018, Freedom Village was awarded \$1,400,000 in Federal Tax Credits, resulting in \$13,109,600 in equity being invested in the Project, as well as \$1,700,000 in Federal Home Loan Bank of New York Affordable Housing Funds. In addition, the Project received \$500,000 in Mercer County Home Funding.

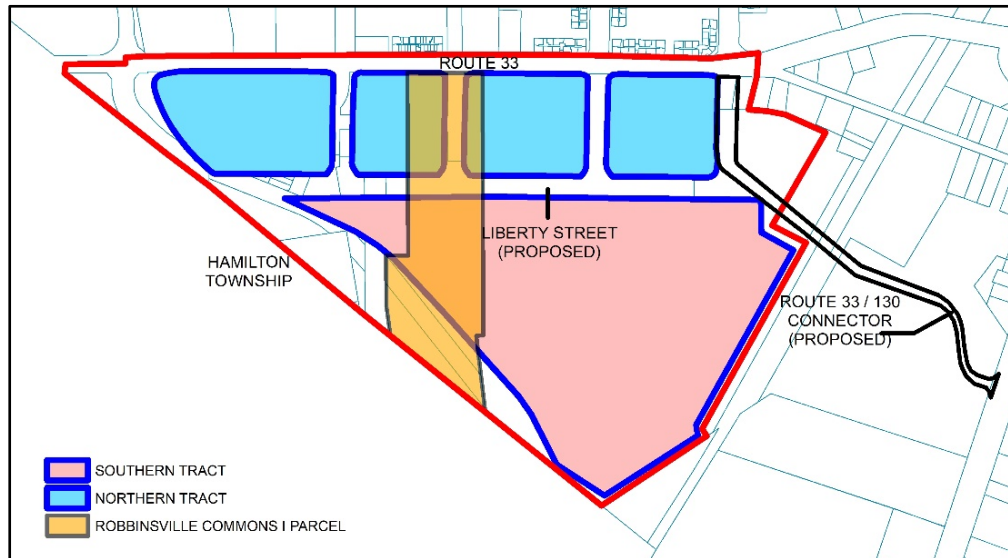
Construction on this Project commenced in August 2019. Completion is anticipated for the fourth quarter of 2020.

11. Kings Interest LLC: Robbinsville Commons I²⁵²

- a. In 2004, Kings Interest LLC received approval for the development of a mixed-use project consisting of 2 Route 33-fronting buildings containing 13,535 s.f. of office space, a 6,000 s.f. restaurant and 34 apartment units, with an additional 55 apartment / condominium units to be constructed in a third building to the south (graphically depicted on Master Plan Update Graphic 19).²⁵³ In accordance with the Town Center Plan, the approval included the dedication of Kings Interest-owned land for the Route 33 Bypass, which the Board found necessary given the density of the project.

²⁵² Former Block 1, Lots 14, 15 & 16.

²⁵³ Planning Board Resolution No. PB2004-42, with conditions approved in June 2005 via Resolution No. PB-2005-30.



Master Plan Update Graphic 19

- b. In 2006, the Board approved a request by Kings Interest to amend its approvals to permit the phasing of the project.²⁵⁴
- c. In February 2018, the Board heard a request by Kings Interest for two, 1-year extensions of its prior Approvals. While such extensions were denied, the Board did agree to extend the approvals for 6 months ~ to June 30, 2018²⁵⁵.

The Applicant failed to commence construction by such date and the approvals expired.

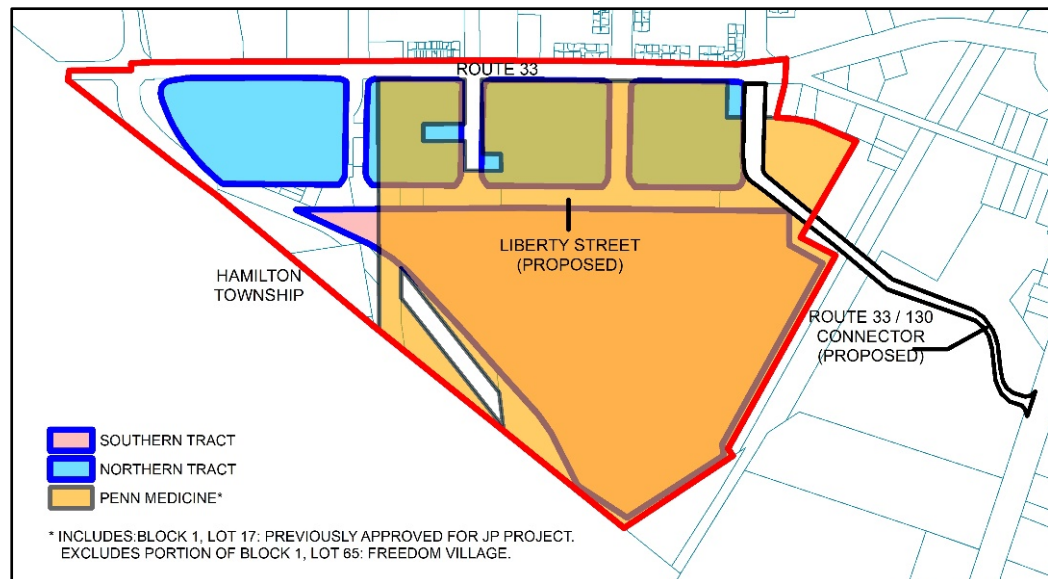
12. Penn Medicine

On or about mid-2017, the Township was approached by Princeton HealthCare System, a New Jersey non-profit corporation, doing business as Penn Medicine Princeton Health ("PENN Medicine"), regarding the possibility of developing a medical / assisted living / memory care campus on the undeveloped balance of the Redevelopment Area.

²⁵⁴ Planning Board Resolution No. PB2006-12

²⁵⁵ Planning Board Resolution No. PB2018-08

Based on these discussions, the Township Council, on February 14, 2019, adopted Resolution No. 2019-65, thereby designating Penn Medicine as the Conditional Redeveloper for Block 1, Lots 12, 13, 14.01-14.04, 16.01, 17-24, 32 and 65 in the Town Center South Redevelopment Area, and authorizing the Council's Redevelopment Committee to pursue the negotiation of a Redevelopment Agreement related thereto.²⁵⁶



Master Plan Update Graphic 20

While it is not possible to know, as of the Publication of this Master Plan Update, the extent to which modification to the Redevelopment Plan will be required to facilitate such a facility, it is likely that some amendments will be needed.

- G. As is evident from the history of the Town Center South Redevelopment Area, each Redevelopment Project is unique. Changes required facilitate an individual Project are typically not transferrable to other Projects.

In addition to adopting Redevelopment Plan amendments designed to facilitate specific Projects, the Township has, in 2014 and 2017, adopted more generalized

²⁵⁶ Such authorization being for a period of 180 days from the date of the Resolution (but may be extended at the discretion of the parties).

amendments to the Redevelopment Plan applicable to the entire Redevelopment Area. It is unlikely that additional general amendments will be required.

No changes to the Town Center South Redevelopment Plan are recommended.

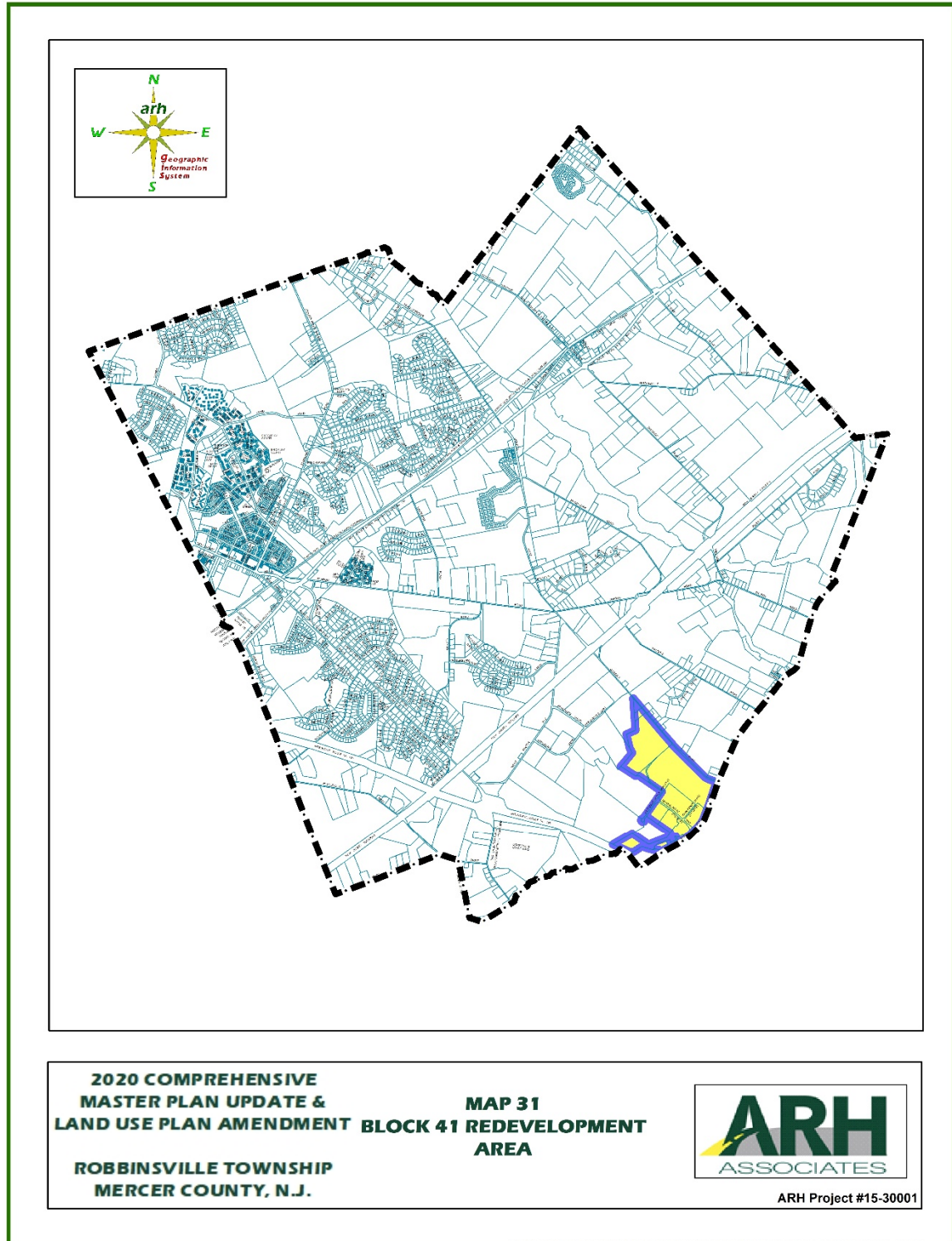
H. Redevelopment Plan §14.2 provides:

*Upon the issuance of the final... Certificate of Completion & Compliance for the final Component of the Redevelopment Project, the conditions determined to exist at the time the specific portion of the Redevelopment Area was declared to be In Need of Redevelopment shall, by definition, no longer exist. At such time, the controls contained in [the] Redevelopment Plan for such portion of the Redevelopment Area, with the exception of the Development Regulations (Redevelopment Plan §7.4), Architectural Controls (Redevelopment Plan §7.5) and the Equal Opportunity provisions (Redevelopment Plan §11.0), shall terminate **and the subject portion of the Redevelopment Area shall revert to such Township Zoning as may be adopted at that time pursuant to N.J.S.A. 40:55D-1 et seq.** [emphasis added]*

At Publication of this Master Plan Update, the only Redevelopment Project that has received a Certificate of Completion and Compliance is the Walgreens on Block 1, Lot 1.02. It is noted, however, that the Starbucks and Malvern School Project on Block 1, Lot 71 were completed and opened in or about October 2017. It is therefore likely that this Project is eligible for a Certificate of Completion and Compliance.

Accordingly, it is recommended that the Township explore the termination of Redevelopment Plan status and instituting traditional zoning for these Lots.

6.5.23 BLOCK 41 REDEVELOPMENT AREA²⁵⁷



- A. In 2002, Matrix 7A Land Development Venture, LLC (“Matrix”) received General Development Plan (“GDP”) approval for the Matrix Business Park at 7A. The GDP included 5,645,000 s.f. of warehouse / distribution and office space on 434.7 acres of land.

Since that time, Matrix and/or related entities received Site Plan and/or Subdivision approvals for approximately 5,102,223 s.f. of building space. While it is not known if all such development has been constructed to date, the GDP is recognized as being extremely successful.

- B. In February 2011, the Governing Body directed the Planning Board to undertake what is termed a Preliminary Investigation to determine whether a 176-acre portion of the Matrix Business park ~ consisting of Block 41, Lots 14, 36, 37.01, 37.02, 37.03, 38.02, 38.03, 38.04 and 38.012 ~ met the criteria for designation as an Area in Need of Redevelopment under the *Redevelopment Law*.

After Planning Board review, public hearing and recommendation, the Governing Body formally designated the area to be In Need of Redevelopment in September 2011. A Redevelopment Plan for the area was adopted in October 2011.

The intent of the Redevelopment Plan was to allow for the continued build-out of Matrix Business Park at 7A in accordance with the existing requirements of the underlying Planned Commercial Development (“PCD”) zoning and the existing GDP approval while allowing greater flexibility to develop the Park in [then] current market conditions. The Redevelopment Plan set forth standards for land use, circulation, open space, parking and design. Some Plan elements were fixed, while others were flexible in keeping with overall Plan goals and objectives.

- C. In July 2017, the Governing Body directed the Planning Board to conduct a Preliminary Investigation to determine whether lands adjacent to the Redevelopment Area,²⁵⁸ qualified as an Area in Need of Redevelopment under the *Redevelopment Law*.

²⁵⁷ Also §6.5.12 herein.

²⁵⁸ Block 41, Lots 15.01, 15.02 and 15.03, inclusive of any and all streets, “paper” streets, private drives and rights-of-way,

After Planning Board review, public hearing and recommendation, the Governing Body formally designated the area to be In Need of Redevelopment in March 2018. The Redevelopment Plan was amended to include these Lots in April 2018.

- D. The 2 components of the Block 41 Redevelopment Area cover (approximately) 239.3 acres, equating to 1.8% of the Township.
- E. The “key Redevelopment Plan goals and objectives” as articulated in the Redevelopment Plan Vision are to:
- *Provide for the type of redevelopment that can reignite economic development within the Matrix Business Park and further serve as a stimulus for future revitalization efforts within the community.*
 - *Establish an appropriate scheme for redevelopment that will hasten the revitalization of the Plan Area.*
 - *Implement the vision of the Plan Area as articulated in the Township’s historical master planning documents.*
 - *Recognize the importance of the Plan Area as an economic engine for the larger community.*
 - *Create a unified business park that recognizes the locational attributes of its placement within the Township.*
 - *Develop a mixture of non-residential uses that will serve as a catalyst for increased activity and interest in the general area, in addition to being consistent with smart growth principles and important for potential employment opportunities and tax ratable and economic growth.*
 - *Allow flexibility in bulk and design standards to provide a stabilizing influence to justify the redevelopment of the Plan Area; and*
 - *Promote the siting of renewable energy facilities throughout the Plan Area.*

Section 3 of the Redevelopment Plan (“Land Use, Bulk, and Parking”) provides that “[t]he land uses permitted in the underlying PCD Zone (§6.5.12 herein) shall continue within the Plan Area, subject to the following”:

Permitted Principal Uses

- *Offices shall be permitted as subject to the bulk requirements for "Type 2" uses.*
- *Data Centers²⁵⁹ shall be permitted as a "Type 2" use.*
- *Research and Development uses shall be permitted as a "Type 2" use.*
- *Mixed Uses – Any combination of permitted "Type 2" uses shall be permitted in a building as a permitted "Type 2" use.*
- *Renewable energy facilities (e.g., solar farms, solar panels, etc.), specifically excluding wind turbines.*

Permitted Accessory Uses

- *Accessory Uses [then] permitted in the underlying PCD Zone.*
- *Renewable Energy Facilities (e.g., solar farms, solar panels, etc...)*

Permitted Conditional Uses

- *Conditional Uses [then] permitted in the underlying PCD Zone.*

Development regulations under the Block 41 Redevelopment Plan are the same as for the PCD Zone (§142-25), except for modifications contained in the Plan itself.

- F. After an in-depth analysis of the Block 41 Redevelopment Plan, the following changes are recommended:

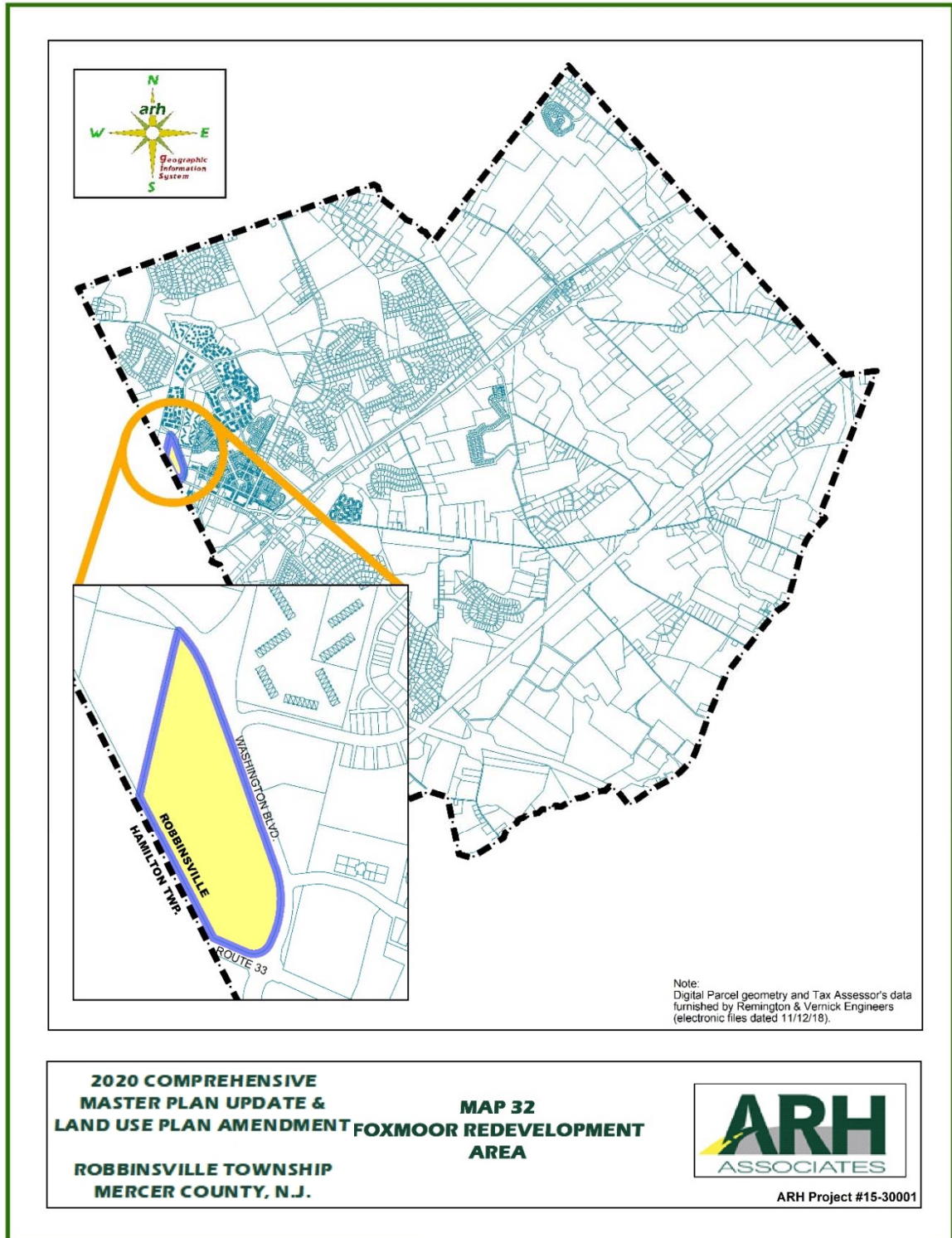
At Publication of this Master Plan Update, the Township's Zoning Map had not been amended reflect either the 2001 or 2017 Redevelopment actions.

It is therefore recommended the Township's Zoning Map be amended to eliminate the PCD Zone underlying the 2011 and 2017 Redevelopment Area lands ~ with such lands being designated "Block 41 Redevelopment Area."

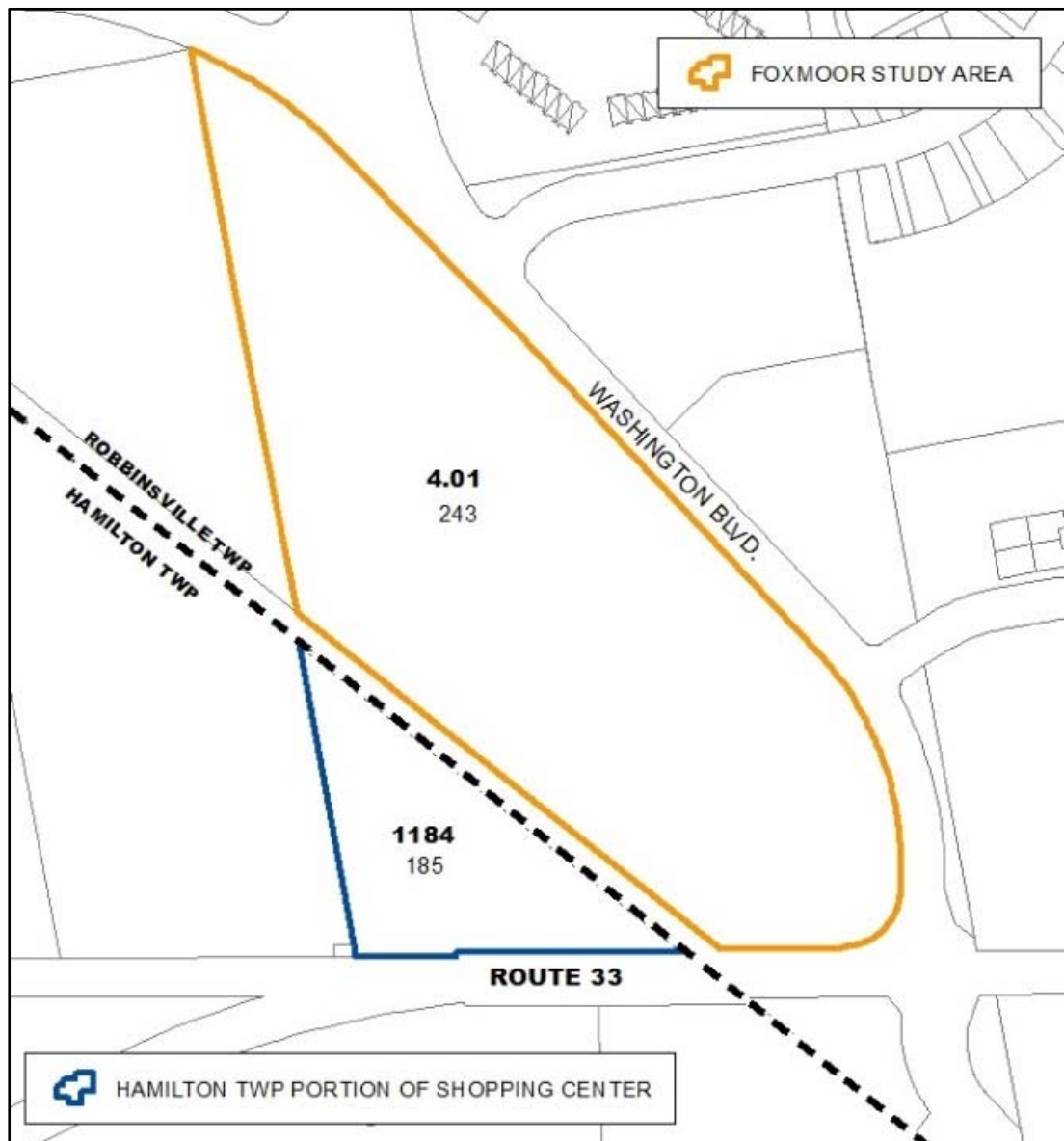
- G. No additional changes are recommended for the Block 41 Redevelopment Area.

²⁵⁹ Defined as "a centralized repository for the storage, management, and dissemination of data and information. It houses critical computer systems and associated components for companies and organizations". Often Data Centers are referred to as "Collocation Data Centers", which means that several businesses may rent space to house their servers and in a common location. However, each company's equipment is generally secured within a delineated area. A Data Center generally includes environmental controls (air conditioning, fire suppression, etc.), redundant / backup power supplies, redundant data communications connections, and high security. A Data Center may include office space for the temporary accommodation of workers displaced from their primary place of business.

6.5.24 FOXMOOR REDEVELOPMENT AREA



- A. The Foxmoor Shopping Center is an (approximately) 19.23-acre property located on the northwest corner of the intersection of Washington Boulevard and N.J.S.H. Route 33. While physically a single property, the Shopping Center is divided into a 16.13-acre portion located in Robbinsville (Block 4.01, Lot 243) and a 3.1-acre portion located in Hamilton Township (Block 1841, Lot 185). This geometry is graphically depicted on Master Plan Update Graphics 21 & 22).



Master Plan Update Graphic 21



Master Plan Update Graphic 22

Based on observed conditions of deterioration in commercial facilities and other physical components and supports of community life, and improper (or lack of proper) development resulting from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies ~ and without this public effort have not been corrected or ameliorated by private effort ~ the Township, in July 2016, designated²⁶⁰

²⁶⁰ Via Township Resolution No. 2016-246.



the Shopping Center as being an Area In Need of Redevelopment under the *Local Redevelopment & Housing Law*.

- B. At the time of such designation, the Shopping Center was in foreclosure. Given the unknowns related to this proceeding, the Township elected to defer the adoption of a Redevelopment Plan for the Shopping Center until the legal status of the development was resolved.
- C. In August 2018, U.S. Bank National Association, which purchased the Shopping Center at sheriff's sale in February 2018, auctioned the property to Pennmark Management Company Inc. ("Pennmark"), a regional real estate company known for rehabilitating troubled commercial assets.

Since that time, the Township has been working with Pennmark toward the restoration of the Shopping Center and has deferred the adoption of a Redevelopment Plan indefinitely.

- D. Since no Redevelopment Plan has been adopted, the Foxmoor Shopping Center remains under its R1.5 (PVD Option) Zoning.²⁶¹ Whether or not a Redevelopment Plan is ultimately adopted, it is recommended that the Shopping Center be rezoned to best-support the rehabilitation of the Center.

Reference §6.5.4 G. 6. Herein for Zoning History of the Foxmoor Shopping Center.

²⁶¹ §6.5.4 F. herein.



6.6 ADDITIONAL RECOMMENDATIONS

6.6.1 ZONING MAP

Upon acceptance of any of the changes to the Township's Zoning District boundaries as recommended herein, a new Zoning Map will be required. It is recommended that any such map be created as an overlay to the most current electronic Parcel Map²⁶² available.

6.6.2 LAND USE ORDINANCE

- A. Principle §5.3.1 M. of this Comprehensive Master Plan Update recognizes that various provisions in the Land Use Ordinance may be interpreted as being vague, internally inconsistent and, in certain cases, work at cross-purposes with the intent of the Zones they are intended to support. The Strategy recommended under this Principle is to "[r]eview the entirety of the Land Use Ordinance and revise / eliminate provisions that do not support or advance the Policies, Principles, Strategies and Recommendations of this Comprehensive Master Plan Update.
- B. This Master Plan Update further recognizes that amendments to the Land Use Ordinance that took place over time contained subject-specific definitions, and that these occur throughout the document. This leads to potential confusion as to whether or not specific definitions are intended to apply Township-wide, or only where placed in the Ordinance.

It is therefore recommended that all definitions be relocated to §142-7 and be standardized where appropriate.

6.6.3 SOLAR (PV) ENERGY RESOURCES

- A. Principle §5.3.1 A. of this Comprehensive Master Plan Update recognizes the guiding purposes of the New Jersey *Municipal Land Use Law*.²⁶³ The Strategy recommended under this Principle affirms the Township's commitment to these purposes and adopts them as general guidelines for this Comprehensive Master Plan Update, the

²⁶² §6.4.3 A. & B. herein.

²⁶³ N.J.S.A. 40:55D-2



Township's Land Use Ordinance, and for the policies and practices for all appropriate municipal agencies in the administration of their duties and responsibilities.

One of these purposes is to “[p]romote utilization of renewable energy resources.”

- B. In 2008, the State of New Jersey adopted an Energy Master Plan. One goal of such Master Plan is for New Jersey to generate 2,120 GWh (1,800^{+/-} MW) of solar energy production by 2020.²⁶⁴
- C. In 2011, the New Jersey Board of Public Utilities (“BPU”) released an update to the Energy Master Plan; one goal of which was that solar projects which offer both economic and environmental benefits should be prioritized but not adversely affect the preservation of open space and farmland.

The 2015 Energy Master Plan Update concluded that the Solar Act of 2012 supported the goal of promoting certain Solar PV projects on underutilized lands.

- D. In 2012, NJDEP released a Solar Siting Analysis, whose purpose was to provide local communities and potential solar developers with State-level guidance on siting Solar Photovoltaic (“PV”) Projects using NJDEP’s 2007 Land Use / Land Cover data. Such analysis recognized:

- [That] *solar photovoltaic systems are a major component in New Jersey's expanding renewable energy sector;*
- [That] *they play a key role in New Jersey's ability to meet its Energy Master Plan and Renewable Portfolio Standard mandates, which support ongoing efforts to address climate change; and*
- [That] *It is critical that solar photovoltaic systems are properly sited to protect open space, natural lands and ecosystems.*

The Analysis was updated in 2017 and December 2018. As relates to Robbinsville:

²⁶⁴ By comparison, between 2001 and 2008, more than 60 MW of solar projects have been constructed in New Jersey Energy Master Plan (pp. 12 & 69)

1. The Analysis, Updates and associated G.I.S. mapping²⁶⁵ are intended by NJDEP to be utilized as screening tools to evaluate land for siting Solar PV projects. They are not meant to indicate whether a proposed project would or would not be allowed at any particular location. Projects are therefore to be assessed and evaluated on case-by-case basis.
2. Land-priorities for Solar PV projects are:
 - Preferred Lands: certain Urban Lands and certain Barren Lands.
 - Indeterminate Lands: certain Urban Lands, certain Agricultural Lands, certain Wetlands, certain Barren Lands and certain Forests.
 - Non-Preferred Lands: certain Forests, certain Wetlands and certain Agricultural Lands.

Land Use / Land Cover Codes²⁶⁶ used to categorize Land Uses are contained in Appendix B of Solar Siting Analysis. Detailed analysis results for each Code are contained in Appendix C.

3. Additional BPU prioritization guidelines are that Solar PV Projects:
 - Must be grid-supplied;
 - Should not be located on farmland (although certain Solar PV projects have been approved on farmland under certain circumstances);
 - May be located on
 - a “properly closed sanitary landfill”²⁶⁷

²⁶⁵ <http://www.nj.gov.dep.gis/geowebsplash.htm>;
<https://www.state.nj.us/dep/aqes/solar-siting.html>; and
<https://www.state.nj.us/dep/aqes/gisdownloads.html>

²⁶⁶ a.k.a. “Anderson Codes”

²⁶⁷ Properly closed landfill: sanitary landfill facility, or a portion thereof, for which all activities associated with design, installation, purchase or construction of all measures, structures, or equipment required by NJDEP in order to prevent, minimize or monitor pollution or health hazards by the placement of earthen or vegetative cover and the installation of methane gas vents or monitors and leachate monitoring wells or collection systems at the site of any sanitary landfill facility have been completed.

Detailed information regarding Solar PV installations on closed landfills may be found at: <http://www.nj.gov/dep/dshw/swp/solarguidance.pdf>

- a “brownfield”²⁶⁸ or
- an area of “historic fill”²⁶⁹

4. The 2018 Solar Siting Analysis Update notes that Federal Solar Investment Tax Credits (ITC) are to remain at 30% until 2019, when they will be reduced to 26% in 2020 and 22% in 2021. After 2021, residential credits will be reduced to 0% while the commercial and utility credit will be reduced to 10% permanently.
- E. NJDEP encourages use of the information and mapping in the Solar Siting Analysis Update to guide Master Planning and Zoning, inform Solar PV developers as to lands where the siting of Solar PV systems is preferred and to advise sustainability efforts to promote the wise stewardship of lands.

Within this context, the Land Use / Land Coverage data used to inform NJDEP policies is scheduled to be updated in 2020 and released in 2022, at which time NJDEP’s Bureau of Energy and Sustainability plans to complete another update to the Solar Siting Analysis.

Understanding that:

- Solar PV project permitting is ultimately governed by NJDEP and the BPU;
- State regulations are likely to change during the 10-year lifetime of this Master Plan Update; and
- Solar PV energy facilities and structures have been defined by the Legislature as an “*Inherently Beneficial Use*,” thereby rendering them a use which is:

universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare,

²⁶⁸ Any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant.

Detailed information regarding Solar PV installations on a brownfield may be found at <http://www.nj.gov/dep/srp/brownfields/>

²⁶⁹ Generally any large volume of non-indigenous material, no matter what date they were emplaced on the site, used to raise the topographic elevation of a site, which were contaminated prior to emplacement and are in no way connected with the operations at the location of emplacement and which include, but are not limited to, construction debris, dredge spoils, incinerator residue, demolition debris, fly ash and non-hazardous solid waste. Historic Fill shall not include any material which is substantially chromate chemical production waste or any other chemical production waste or waste from processing or metal or mineral ores, residue, slags or tailings.

it is recommended that Solar PV systems be permitted throughout the Township but that the location, design, installation and operation of such systems be deferred to the relevant permitting agencies.

- F. NJDEP recommends scheduling a Permit Coordination Meeting with the office of Permit Coordination and Environmental Review²⁷⁰ prior to commencing activities related to a Solar PV project.

6.7 REDEVELOPMENT

- A. The Municipal Land Use Law²⁷¹ requires that a Master Plan Reexamination address:

... recommendations... concerning the incorporation of Redevelopment Plans adopted pursuant to the Local Redevelopment & Housing Law ... 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.

To the extent not already done so, this Master Plan Update hereby incorporates the Town Center South Redevelopment Plan and the Block 41 Redevelopment Plan into this Land Use Plan Element Update.

- B. Over the course of time, Township Policymakers have identified approximately 258 Route 130-fronting / adjacent lots that appear to exhibit conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper, development. Such conditions appear to result from forces which are amenable to correction and amelioration by the concerted effort of responsible public bodies via the *Local Redevelopment & Housing Law*, and, as evidenced by the lack of improvement over time, are not likely to be corrected or ameliorated without this effort.

²⁷⁰ <http://www.nj.gov/dep/pcer>

²⁷¹ N.J.S.A. 40:55D-89



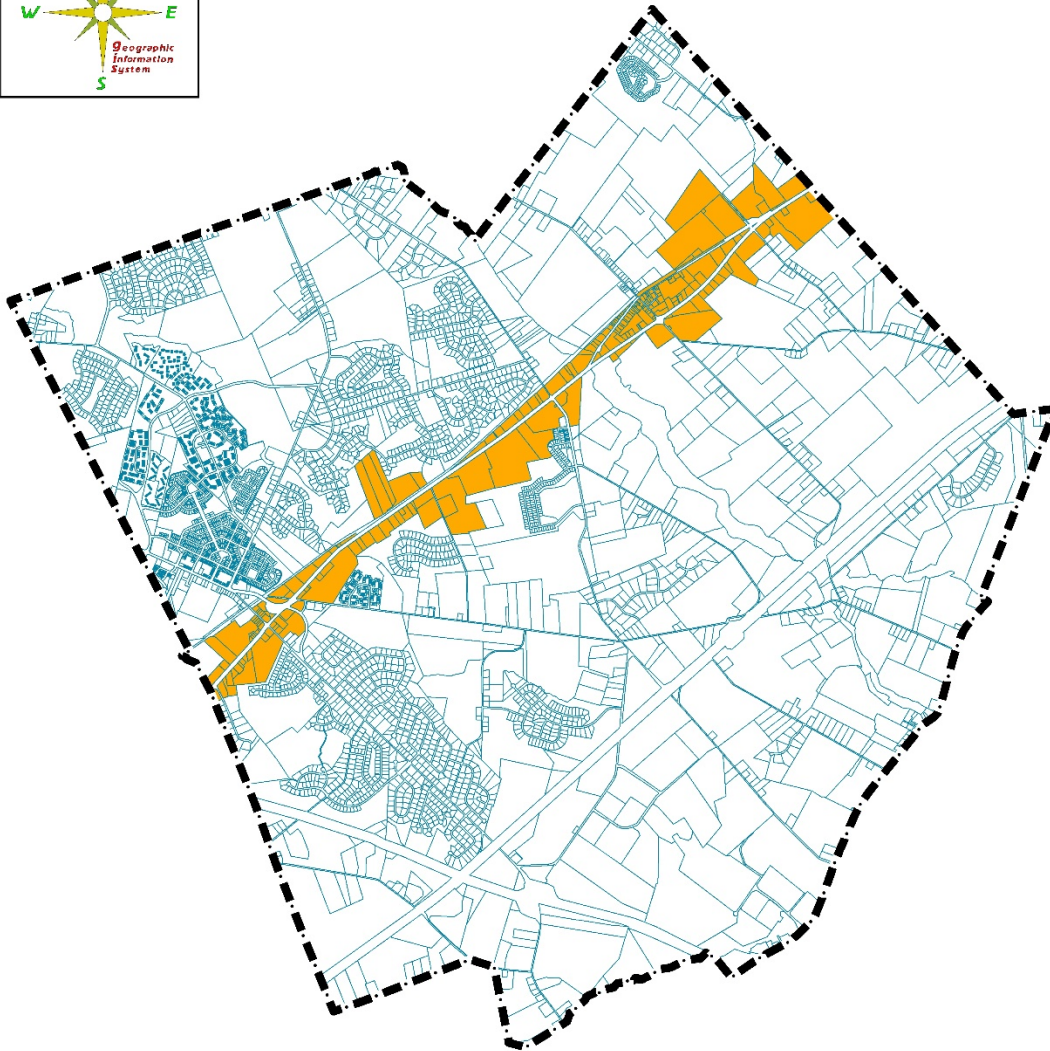
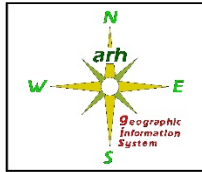
The Township has commissioned the Township Planner to determine whether or not any of these Lots conform with the statutory criteria under which an area may be determined to be In Need of Redevelopment. The purpose of this assignment was to undertake a threshold analysis to determine conformance without proceeding with a formal (and expensive) Preliminary Redevelopment Investigation required by N.J.S.A. 40A:12A-6 as a means to determine whether or not to proceed with a formal Investigation for specific, qualifying properties; thereby saving taxpayer funds for lands which ultimately would be found not to qualify.

The results of this analysis had not been completed at the time of Publication of this Master Plan Update.

- C. At Publication of this Master Plan Update, the Township's Redevelopment activities have addressed Town Center South, Block 41, the Foxmoor Shopping Center and the Route 130-fronting / adjacent properties as described.

§5.3.1 K. herein establishes a Principle for the Township to *"[e]mploy the Local Redevelopment & Housing Law where applicable and appropriate in order to support and advance the Policies, Principles, Strategies and Recommendations of this Comprehensive Master Plan Update."*

While no lands for such use have been identified to date, this Master Plan Update contemplates that additional areas will be targeted for study in the future.



Note:
Digital Parcel geometry and Tax Assessor's data
furnished by Remington & Vernick Engineers
(electronic files dated 11/12/18).

2020 COMPREHENSIVE
MASTER PLAN UPDATE &
LAND USE PLAN AMENDMENT

ROBBINSVILLE TOWNSHIP
MERCER COUNTY, N.J.

MAP 33
ROUTE 130 THRESHOLD
REDEVELOPMENT ANALYSIS



ARH Project #15-30001

7.0 STATUTORY PROVISIONS OF A MASTER PLAN

7.1 MANDATORY MASTER PLAN ELEMENTS

Pursuant to the *Municipal Land Use Law*²⁷², a Master Plan “shall generally comprise a report or statement of land use and development proposals, with maps, diagrams and text, presenting, at least the following elements...”

- A. *A Statement of Objectives, Principles, Assumptions, Policies and Standards upon which the constituent proposals for the physical, economic and social development of the municipality are based.*

Statements regarding Township Principles and Strategies are addressed under §5.0 herein.

- B. *A Land Use Plan Element:*

1. *Taking into account and stating its relationship to the Statement provided for [above], and other Master Plan Elements... and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands...*

Relationships between the Township’s Principles and Strategies and Land Use are addressed under §6.0 herein and the Township’s 2012 Environmental Resource Inventory,²⁷³ which is incorporated in this Master Plan Update by reference (to the extent not inconsistent with the policies articulated herein).

2. *...showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, open space, educational and other public and private purposes or combination of purposes including any provisions for cluster*

²⁷² N.J.S.A. 40:55D-28

²⁷³ §6.3.1 herein.

development; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance;...

Existing and proposed development patterns for the Township are addressed under §6.4 herein.

3. *...showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983,"... C.6:1-80 et al.; ...*

Issues related to the Trenton-Robbinsville Airport are addressed under §5.3.1 E., §6.5.14 and §6.5.21 herein.

4. *...including a statement of the standards of population density and development intensity recommended for the municipality;...*

Issues related to population density are addressed in the Township's 2018 Housing Element & Fair Share Plan, which was approved by the Court in November 2018 and incorporated herein by reference.²⁷⁴

Issues related to development intensity are addressed in §6.5 herein.

5. *...showing the existing and proposed location of military facilities and incorporating strategies to minimize undue encroachment upon, and conflicts with, military facilities, including but not limited to: limiting heights of buildings and structures nearby flight paths or sight lines of aircraft; buffering residential areas from noise associated with a military facility; and allowing for the potential expansion of military facilities;...*

There are no Military Facilities within the Township. The closest such facility is Joint Base McGuire ~ Dix ~ Lakehurst in Burlington County, approximately 16 miles southeast of Robbinsville.

²⁷⁴ §5.3.2 B. herein.

The activities described or proposed herein do not encroach upon or conflict with this facility or any related flight paths or sight lines and will not impact the potential expansion of the facility.

6. ...including, for any land use element adopted after [January 8, 2018], a statement of strategy concerning smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations, ...

Principles and Strategies related to Smart Growth in Robbinsville are addressed in §5.3.1 F. and G. herein.

Strategies related to electric vehicle charging stations in Robbinsville are addressed in §5.3.1 H. herein.

Strategies related to storm resiliency with respect to energy supply and environmental infrastructure in Robbinsville are addressed in §5.3.4 B. and §5.3.7 C. herein.

Strategies related to storm resiliency with respect to flood-prone areas in Robbinsville are addressed in §6.3.2 and §6.3.3 herein.

Strategies related to environmental sustainability in Robbinsville are addressed in §5.3.7 of this Comprehensive Master Plan Update.

7. Showing the existing and proposed location of public electric vehicle charging infrastructure;

At Publication, Electric Vehicle Charging Infrastructure was limited to a single facility at the Robbinsville ~ Allentown Road [CR 526] QuickChek convenience store. Proposed locations for such facilities are addressed in §5.3.1 herein.

7.2 OPTIONAL MASTER PLAN ELEMENTS

A. A Housing Plan Element pursuant to (C.52:27D-310), including, but not limited to, residential standards and proposals for the construction and improvement of housing. ***The Township's 2018 Housing Element & Fair Share Plan, which was approved by the Court in November 2018, is incorporated herein by reference.***²⁷⁴

B. A Circulation Plan Element showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality, taking into account the functional highway classification system of the Federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail; and identifying existing and proposed locations for public electric vehicle charging infrastructure;

The Township's roadway network is established and is unlikely to see significant changes in the foreseeable future. The area of specific concern identified by the 2007 Reexamination ~ the Town Center ~ was the subject of an in-depth analysis in 2017.²⁷⁵

Circulation Policy for Robbinsville is addressed in §5.3.3 herein. Policy related to Electric Vehicle Charging Infrastructure is addressed in §5.3.1 herein.

C. A Utility Service Plan Element analyzing the need for and showing the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities, and including any storm water management plan...²⁷⁶

The Township's infrastructure systems are established and unlikely to see significant changes in the foreseeable future. Infrastructure Policy is addressed in §5.3.4 herein.

²⁷⁵ §5.3.3 B. herein.

²⁷⁶ Required under N.J.S.A. 40:55D-93 et seq.

- D. *A Community Facilities Plan Element showing the existing and proposed location and type of educational or cultural facilities, historic sites, libraries, hospitals, firehouses, police stations and other related facilities, including their relation to the surrounding areas.*

Issues related to Community Facilities in Robbinsville are addressed in §5.3.5 herein.

- E. *A Recreation Plan Element showing a comprehensive system of areas and public sites for recreation.*

Issues related to Recreation Facilities and Programs in Robbinsville are addressed in §5.3.6 herein.

- F. *A Conservation Plan Element providing for the preservation, conservation, and utilization of natural resources, including, to the extent appropriate, energy, open space, water supply, forests, soil, marshes, wetlands, harbors, rivers and other waters, fisheries, endangered or threatened wildlife species and other resources, and which systematically analyzes the impact of each other component and element of the master plan on the present and future preservation, conservation and utilization of those resources.*

Issues related to Conservation in Robbinsville are addressed in §5.3.7 and §5.3.8 herein.

- G. *An Economic Plan Element considering all aspects of economic development and sustained economic vitality, including (a) a comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the resident labor pool in the municipality and nearby areas and (b) an analysis of the stability and diversity of the economic development to be promoted;*

Principles and Strategies related to Economic Policy in Robbinsville are addressed in §5.3.1 B. herein.

- H. *A Historic Preservation Plan Element: (a) indicating the location and significance of historic sites and historic districts; (b) identifying the standards used to assess worthiness for historic site or district identification; and (c) analyzing the impact of each component and element of the master plan on the preservation of historic sites and districts.*

Issues related to Historic Preservation in Robbinsville are addressed in §5.3.9 herein.

- I. *Appendices or separate reports containing the technical foundation for the master plan and its constituent elements.*

Certain referenced documents not included as a Map, Graphic or Table to this Master Plan Update are on file with the Robbinsville Township Clerk and/or Planning Board Secretary.

- J. *A Recycling Plan Element which incorporates the State Recycling Plan goals, including provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land.*

While the Township collects recyclables as a municipal function, Recycling in New Jersey is governed by State regulation and is therefore largely outside of the scope of a municipal Master Plan. Accordingly, a formal Recycling Plan Element is not applicable to this Master Plan Update.

Nonetheless, Recycling Policy in Robbinsville is addressed in §5.3.10 herein.

- K. *A Farmland Preservation Plan Element, which shall include: an inventory of farm properties and a map illustrating significant areas of agricultural land; a statement showing that municipal ordinances support and promote agriculture as a business;*

and a plan for preserving as much farmland as possible in the short term by leveraging monies made available by (C.13:8C-1 et al.) through a variety of mechanisms...

Issues related to Farmland Preservation in Robbinsville directly relate to the Township's conservation efforts and are addressed in §5.3.7 and §5.3.8 herein.

- L. *A Development Transfer Plan Element which sets forth the public purposes, the locations of sending and receiving zones and the technical details of a development transfer program...*²⁷⁷

As noted in §5.2.4 B.1.g. herein, the 2007 Reexamination recognized that the Township had completed its Transfer of Development Rights program.

- M. *An Educational Facilities Plan Element which incorporates the purposes and goals of the "long-range facilities plan" required to be submitted to the Commissioner of Education by a school district...*²⁷⁸

As noted in §5.2.4 E.1.a. herein, this Comprehensive Master Plan Update recognizes that schools properly fall under the jurisdiction of the Board of Education and defers related policies to that body.

- N. *A Green Buildings and Environmental Sustainability Plan Element, which 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.*

²⁷⁷ based on the provisions of N.J.S.A. 40:55D-141.

²⁷⁸ pursuant to N.J.S.A. 18A:7G-4

While not addressed as a separate Plan Element, this Comprehensive Master Plan Update encourages Green Buildings and Environmental Sustainability by:

- ***Encouraging the use of “Green Power” and energy efficient systems for new development and renovations.²⁷⁹***
- ***Recommending that the requirement of §142-23 H.16 regarding LEED design elements²⁸⁰ be extended to all development in Robbinsville.***
- ***Encouraging public electric vehicle charging infrastructure²⁸¹***

O. A Public Access Plan Element that provides for, encourages, and promotes permanently protected public access to all tidal waters and adjacent shorelines consistent with the public trust doctrine, and which shall include a map and inventory of public access points, public facilities that support access, parking, boat ramps, and marinas; an assessment of the need for additional public access; a statement of goals and administrative mechanisms to ensure that access will be permanently protected; and a strategy that describes the forms of access to satisfy the need for such access with an implementation schedule and tools for implementation.

Robbinsville has no tidal waters or shorelines. This Element is not applicable to the Township.

7.3 RELATIONSHIPS TO OTHER PLANS

Pursuant to the *Municipal Land Use Law²⁸²*, a Master Plan

...shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan... and (4) the district Solid Waste Management Plan

²⁷⁹ §5.3.3 G. herein.

²⁸⁰ §6.5.10 E.1 herein.

²⁸¹ §5.3.1 H. herein.

²⁸² N.J.S.A. 40:55D-28d

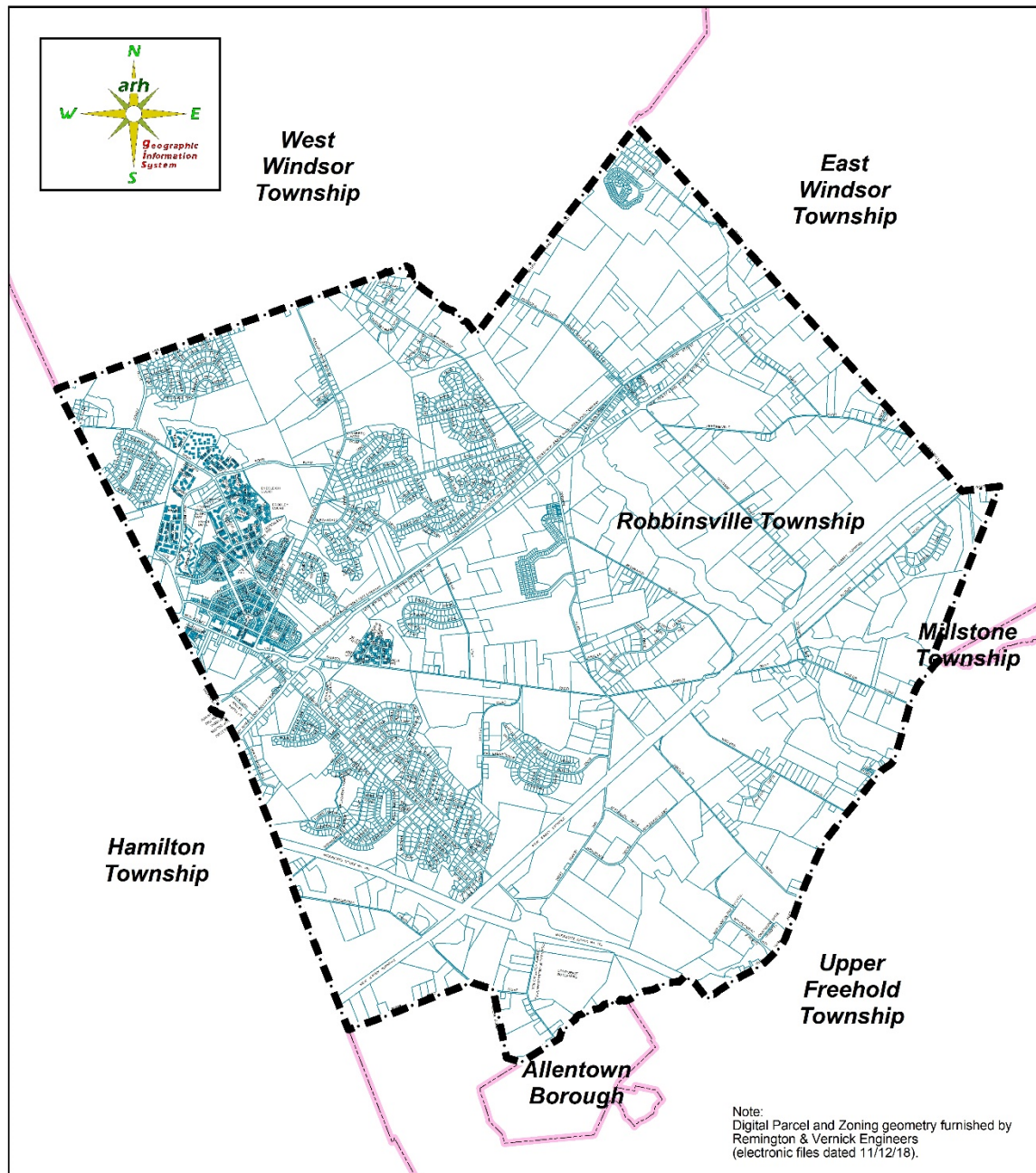


*required pursuant to the provisions of the "Solid Waste Management Act," ...
C.13:1E-1 et seq. of the county in which the municipality is located.*

7.3.1 Master Plans of Contiguous Municipalities

Municipalities contiguous to Robbinsville are:

- Allentown Borough;
- East Windsor Township;
- Hamilton Township;
- Millstone Township;
- Upper Freehold Township; and
- West Windsor Township.



**2020 COMPREHENSIVE
MASTER PLAN UPDATE &
LAND USE PLAN AMENDMENT**

**ROBBINSVILLE TOWNSHIP
MERCER COUNTY, N.J.**

**MAP 34
ROBBINSVILLE
&**

CONTIGUOUS MUNICIPALITIES



ARH Project #15-30001

A. ALLENTOWN BOROUGH

Allentown Borough's current Master Plan was adopted in June 2018. This document replaces the Borough's original (1978) Master Plan (last reexamined in 2016).

1. Land uses in the portion of Allentown adjacent to Robbinsville are:²⁸³

- Publicly owned Vacant Land;²⁸⁴
- Heritage Park;
- The Allentown Water Plant;
- Indian Lake; and
- Single Family Residential.

2. Zoning in the portion of Allentown adjacent to Robbinsville is:²⁸⁵

- Recreation and Open Space;
- Public Property; and
- HR-85 Historic Residential.

3. Master Plan Consistency

As relates to Robbinsville, the Allentown 2018 Master Plan states, in pertinent part:

Robbinsville... contains two zoning districts along the border [with Allentown]. They include RR-Rural Residential and VT Village Transitional. The Rural Residential Zone is intended to preserve the rural land use pattern and visual character by allowing low-density residential units while also encouraging farms and related uses. The permitted density in the RR zone is one unit per two acres, which recognizes the septic unsuitability and seasonal high-water table of many of the soil types. This zone is compatible with the Zoning districts and existing land uses in Allentown.

The Village Transitional Zone is broken into two different categories ~ permitted uses with sanitary sewer service and permitted uses that do not have sanitary sewer service. Both categories allow for commercial uses

²⁸³ Allentown Master Plan: Figure II-2: Existing Land Uses (April 2, 2018)

²⁸⁴ i.e., jointly-owned by the Borough, Upper Freehold Township and NJDEP (Monmouth Battlefield State Park)

²⁸⁵ Allentown Master Plan: Figure VI-2: Land Use Plan (May 2, 2018)

business and professional offices, banks, farms and conservation. Where sanitary sewer service is available the list of permitted uses is expanded to include restaurants, personal service establishments, medical and research facilities, bed and breakfasts and short- and long-term health facilities, in addition to existing single-family detached dwellings... Despite this zoning designation... this area... remains rural and contains single family residential and farm uses. The VT Zone is compatible with the uses along Church Street.

- a. This description omits the Historic Overlay (H-O) to the RR Zone depicted herein on Master Plan Update Map 25.
- b. None of the changes to the RR Zone recommended herein²⁸⁶ impact the RR Zone adjacent to Allentown.
- c. §6.5.18 herein finds that the use-mix in the VT Zone could lead to vastly incompatible neighboring development. Given the Purpose and Intent of the VT Zone to “*ensure the appropriate development... of ... commercially viable gateways in the Township,*” this Master Plan Update recommends that the VT Zone be eliminated and absorbed into the neighboring ORH Zone.²⁸⁷

It is further recommended that the goal of the VT Zone to “*reserve or adaptively reuse the existing farmhouse and to incorporate the open vistas*” be incorporated into ORH Zone language as appropriate.

As depicted on Master Plan Update Map 19, the existing ORH Zone is sufficiently close to Allentown to render any impact to the Borough caused by the elimination of the VT Zone and expansion of the ORH to be de minimis.

The recommendations contained herein cause no change in the relationship of Robbinsville to Allentown from that which existed prior to the adoption of this Comprehensive Master Plan Update.

²⁸⁶ §6.5.1 herein.

²⁸⁷ §6.5.11 & §6.5.18 herein.

B. EAST WINDSOR TOWNSHIP

East Windsor Township's original Master Plan was adopted in 1979. Updates and amendments occurred in 1985, 1987, 1991 and 1992.

The Township's current Master Plan was adopted in October 1993. What were termed, variously, "Supplemental Modifications," "Amendments" and "Reexaminations" were adopted in March and May of 1998, August 1999, December 2002, July 2003, June 2004, September 2006, December 2008, March 2010 and May 2014.²⁸⁸

1. As relates to Robbinsville, East Windsor's 1993 Master Plan states:

Along the southernmost border of East Windsor is Washington Township, which is primarily zoned rural residential and office uses. From Millstone Township almost to Route 130 is a rural residential designation with an office option. A small section east of Route 130 is office research and office commercial. West of Route 130 is an office warehousing ~ light manufacturing zone and then a rural residential ~ office option zone which continues until the West Windsor border. Many of these land use designations in Washington Township offer the prospect of significant conflicts with the existing and proposed development pattern, with those along Hankins Road presenting the most direct conflict, particularly if the roadway is upgraded to a Secondary Arterial as proposed in the County Highway Plan. [emphasis added]²⁸⁹

Hankins Road is shown as a collector because of its importance in serving as an access to Route 130 for the adjoining residential neighborhood. Mercer County has shown a proposed secondary arterial in this area as an extension of Village Road in West Windsor. This plan does not support an arterial designation for Hankins Road based on the presence of numerous single family homes along the frontage near Route 130, based further on the improvements which would be needed with increased traffic flows to the intersections of both Hankins Road and Conover Road at Route 130, and based further on the costs which would be associated with crossing the Bear Brook stream corridor to connect Village Road with Hankins Road. If this regional road function is to be

²⁸⁸ Housing Plan Elements & Fair Share Plans and Amendments therefore were adopted in May 1998, May 2000, December 2005, December 2008 and November 2017. A Route 33 Corridor Revitalization Plan was adopted in April 2013.

²⁸⁹ 1993 Amendment to 1991 East Windsor Master Plan (p. 3)

accommodated, it is recommended that an alignment in Washington Township south of the Bear Brook stream corridor be considered, which would intersect with Route 130 a sufficient distance south of the Hanks Road intersection to assure that NJDOT would retain the traffic signal at Hanks Road and allow for the upgrading and coordination of the signalized intersection with Conover Road. Without a fully accessible Hanks Road / Conover Road signalized intersection, the southwesterly part of [East Windsor] Township would be required to rely on the Hickory Comer Road intersection, seriously limiting regional accessibility.²⁹⁰

*Old York Road from north of Airport Road to the New Jersey Turnpike bridge... For the past 140 years it has been characterized by the presence of Village Nurseries, an important local business and a Century Farm. Several houses, nearly all of which predate World War II (some are more than a century old) form a distinctive residential cluster that deserves sensitive treatment. **Long-term challenges will be to keep new development that may occur on adjacent open lands visually inconspicuous and distinct from this Old York Road streetscape. Another challenge will keep traffic from becoming excessive on Old York Road if the southern end of East Windsor, the eastern end of Washington, and the western end of Upper Freehold Township develop more intensively. [emphasis added]**²⁹¹*

Other than referencing the presence of [then] Washington Township along the border with East Windsor, that Township's subsequent Master Planning documents are silent as relates to Robbinsville.

2. Land uses in the portion of East Windsor adjacent to Robbinsville are:²⁹²

- Privately-Owned Vacant Land;
- Publicly-Owned Vacant Land;
- Single-Family Residential;
- Agricultural Properties; and
- Limited commercial uses.

²⁹⁰ 1993 Amendment to 1991 East Windsor Master Plan (p. 39)

²⁹¹ 1993 Amendment to 1991 East Windsor Master Plan (p. 54)

²⁹² <https://www.mcc.co.mercer.pa.us/GIS>



3. Zoning in the portion of East Windsor adjacent to Robbinsville is:²⁹²

- CC Community Commercial
- HC Highway Commercial
- R-1 Low Density Residential
- RA Rural Agricultural

4. Master Plan Consistency

- a. The portion of Robbinsville adjacent to East Windsor Township is zoned Rural Residential (RR), Highway Commercial (HC) and Office, Warehouse (OW).

None of the changes to the RR Zone, HC Zone or OW Zone recommended under this Comprehensive Master Plan Update²⁹³ impact the lands adjacent to East Windsor.

- b. As detailed in §6.6.4 B. herein, the Township has commissioned an analysis to determine whether or not any of the approximately 258 Lots fronting or adjacent to Route 130 conform with the statutory criteria under which an area may be determined to be In Need of Redevelopment under the New Jersey *Local Redevelopment & Housing Law*. Certain of these Lots abut or are in proximity to East Windsor.

The results of this analysis had not been completed at Publication of this Master Plan Update.

While it is not possible to know, at this time, which (if any) of these Lots may qualify for Redevelopment Area designation, which (if any) of these Lots may ultimately be designated to be In Need of Redevelopment, and what form any subsequent Redevelopment Plan might take, it is currently anticipated that the land uses and building limit controls of any such Redevelopment Plan would not be *substantially inconsistent* with the uses and controls of the HC or OW Zones.

²⁹³ §6.6.1, §6.5.10 & §6.5.13 herein.



Accordingly, the recommendations contained herein cause no change in the relationship of Robbinsville to East Windsor Township from that which existed prior to the adoption of this Comprehensive Master Plan Update.

C. HAMILTON TOWNSHIP

Hamilton Township's current Master Plan was adopted in June 2011. This document replaces the Borough's original (1978) Master Plan (last reexamined in 2008).

1. Land uses in the portion of Hamilton Township adjacent to Robbinsville are:²⁹⁴

- Undeveloped Land;
- Preserved Open Space;
- Church and Charitable Property;
- Public School Property;
- Residential;
- Commercial;
- Industrial; and
- Farmland.

2. Zoning in the portion of Hamilton Township adjacent to Robbinsville is:²⁹⁵

- Single-Family Residential (R7, R10 & R15);
- Planned Retirement Development (PRD);
- Rural Resource Commercial (RRC);
- Research Development (RD); and
- Research Engineering Office (REO-5).

3. Master Plan Consistency

As relates to Robbinsville, the Hamilton Township 2018 Master Plan states, in pertinent part:

²⁹⁴ Hamilton Township Master Plan: Existing Land Use Map

²⁹⁵ Hamilton Township Master Plan: Existing Zoning Map



Robbinsville's boundary with Hamilton Township has a variety of zoning districts ~ Residential R 1.5 district, Residential R 1.5 PVD Option district, Town Center (TC) district, Mobile Home (MH) district, Office Warehousing Light Manufacturing (OW) district and the Rural Residential (RR) district. Although these districts are varied, they are not incompatible with Hamilton's Land use Plan. The residential zones, including their densities, are compatible with the [Hamilton] Township's Residential 15 zoning along the Robbinsville boundary. The Town Center designation, which is located on either side of Route 33, is consistent with [Hamilton] Township's own policies of enhancing this commercial district in this area ~ the Highway Commercial (HC) district. Additionally, the OW district is consistent with the [Hamilton] Township's adjacent Research Development (RD) district.

- a. Recommendations under this Comprehensive Master Plan Update in proximity to Hamilton Township are limited to the rezoning of the TC-2 Special Condition Area F to HC Zoning.²⁹⁶ This location is adjacent to Hamilton's (RD) Research Development Zone.

While certain permitted uses and building controls differ between Robbinsville's HC Zone and Hamilton's RD Zone, such differences are not so substantial as to render the Zones inconsistent or incompatible.

- c. Again, Robbinsville has commissioned an analysis to determine whether or not any of the approximately 258 Lots fronting or adjacent to Route 130 conform with the statutory criteria under which an area may be determined to be In Need of Redevelopment. Certain of these Lots abut or are in proximity to Hamilton.

The results of this analysis had not been completed at Publication of this Master Plan Update.

Accordingly, the recommendations contained herein cause no change in the relationship of Robbinsville to Hamilton Township from that which existed prior to the adoption of this Comprehensive Master Plan Update.

²⁹⁶ §6.5.19 D.2.c.(3) & Map 27B (1) herein.



D. MILLSTONE TOWNSHIP

Millstone Township's current Master Plan was adopted in November 2017. This document replaces the Borough's 1995 and 2002 Master Plans.

1. The portion of the Millstone adjacent to Robbinsville consists of publicly-owned, vacant wetlands located in the Assunpink Creek (above Shipentaukin Creek) Watershed.
2. Zoning in the portion of Millstone adjacent to Robbinsville is Rural Conservation (RU-C),²⁹⁷ the goal of which is to:

*...maintain the rural character of the Township; to promote the preservation of the open space and farmland areas of Millstone Township; and to minimize the impact of new development on natural resources and rural features of the community; and to support the policies of the [State Plan] and the Monmouth County Farmland Preservation Plan.*²⁹⁸

The land is also located in the Township's Agricultural Development Area.²⁹⁹

3. Master Plan Consistency

- a. Millstone's 2017 Master Plan contains no statement regarding consistency with the Robbinsville Master Plan.
- b. The portion of Robbinsville adjacent to Millstone is zoned Rural Residential (RR). None of the changes to the RR Zone recommended herein³⁰⁰ impact the RR Zone adjacent to Millstone.

²⁹⁷ Millstone Master Plan: Land Use Plan (retains existing zoning) (February 23, 2017)

²⁹⁸ Millstone Master Plan (pp. 78)

²⁹⁹ Millstone Master Plan: Existing Land Use (February 23, 2017)
Millstone Master Plan: Land Use / Land Cover Change Areas (2007 – 2017) (March 1, 2017)
Millstone Master Plan: Watershed Divisions (HUC11) (March 7, 2017)

³⁰⁰ §6.5.1 herein.



The recommendations contained herein cause no change in the relationship of Robbinsville to Millstone from that which existed prior to the adoption of this Comprehensive Master Plan Update.

E. UPPER FREEHOLD TOWNSHIP

Upper Freehold Township's most recent Master Plan Reexamination was adopted in or about October 2017. This document replaces the Borough's previous (2007) Master Plan Reexamination.

1. A review of the Upper Freehold Zoning Map³⁰¹ conducted for this Master Plan Update finds that lands adjacent to Robbinsville are zoned Highway Development (HD) and Agricultural Residential (AR). Given the dates of the Map and the Reexamination, it appears that no Zoning Changes were made as a result of the Reexamination.
2. Master Plan Consistency
 - a. Upper Freehold's 2017 Reexamination is silent with respect to consistency with the Master Plans of municipalities contiguous to Upper Freehold, including Robbinsville.
 - b. The portion of Robbinsville adjacent to Upper Freehold is zoned Rural Residential (RR) (including the Historic Overlay (H-O) to the RR Zone depicted on Master Plan Update Map 25) and Planned Commercial Development (PCD). As detailed in §6.5.12 E.23 and §6.5.23, herein (and graphically depicted on Master Plan Update Map 20A), the Block 41 Redevelopment Area extends to Old York Road and abuts Upper Freehold Township.

None of the changes to the RR Zone recommended herein³⁰² impact the RR Zone adjacent to Upper Freehold, and the Block 41 Redevelopment Area is

³⁰¹ Zoning Map: Upper Freehold Township: Monmouth County, New Jersey (Last Revised January 2016). ([https://uftnj.com/vertical/sites/%7B29A48B69-D399-4AEA-B5DB-D30B4D8313CB%7D/uploads/2016_UFTW_ZONING_MAP\(1-2016\)\(1\).pdf](https://uftnj.com/vertical/sites/%7B29A48B69-D399-4AEA-B5DB-D30B4D8313CB%7D/uploads/2016_UFTW_ZONING_MAP(1-2016)(1).pdf))

³⁰² §6.5.1 herein.

largely built-out in proximity to Upper Freehold ~ with the remaining vacant lands likely being too small to result in significant, impactful development.

Accordingly, the recommendations contained herein cause no change in the relationship of Robbinsville to Upper Freehold from that which existed prior to the adoption of this Comprehensive Master Plan Update.

F. WEST WINDSOR TOWNSHIP

West Windsor Township's current Master Plan was adopted in January 7, 2019. This document replaces their (2002) Master Plan (last reexamined in 2018).

1. Land uses in the portion of West Windsor adjacent to Robbinsville are:³⁰³

- Agricultural Land;
- Parks and Open Space;
- Vacant Land; and
- Residential.

2. Zoning in the portion of West Windsor adjacent to Robbinsville is Rural Residential / Conservation (RR/C)³⁰⁴ *"in recognition of the primary land use intent, which is to preserve, to the greatest degree possible, remaining open space, farmland and environmentally sensitive areas."*³⁰⁵

Pockets of R-20 (Medium Density Residential) zoned lands are located along Meadowbrook Road.³⁰⁶

³⁰³ West Windsor Master Plan: Existing Land Use Map (date unreadable).

³⁰⁴ Zoning Map of West Windsor Township (June 11, 2018.
(<https://www.westwindsornj.org/maps/Zoning-Map-6-11-18.pdf>)

³⁰⁵ West Windsor Master Plan: Section III: Land Use Plan Element (p. 17)

³⁰⁶ West Windsor Master Plan: Section III: Land Use Plan Element (p. 18)

3. Master Plan Consistency

- a. As relates to Robbinsville (referred to by West Windsor as “Washington Township”), West Windsor’s 2019 Master Plan states, in pertinent part:

Washington Township shares the remainder of West Windsor's southern boundary. All of Washington Township along this border is zoned for residential development or conservation (RR, R-1.5 and CONS), allowing agriculture and moderate to low-density single-family development with a cluster option. Most of this area is still in farmland. Washington's zoning is substantially consistent with the West Windsor Land Use Plan, in which almost all abutting area is located in the RR/C Rural Residential / Conservation category, where low density residential development and farmland preservation are encouraged. In fact, in accordance with West Windsor's Open Space Plan, much of this area has already been preserved as open space or farmland. There are two areas in West Windsor abutting this border where smaller residential lots are permitted (R-20), however, these small zones merely reflect existing development and do not provide any potential conflict with adjacent residential areas in Washington Township.

- b. With the exception of recommending the rezoning of lands along Robbinsville’s northern boundary on either side of CR 526 from Rural Residential (RR) to Conservation (CONS), none of the changes recommended under this Master Plan Update³⁰⁷ impact the lands adjacent to West Windsor.
- c. As detailed in §6.5.20 herein, while Robbinsville’s Zoning Map depicts a CONS Zone, §142-8 does not establish a Conservation Zoning District and no Use or Bulk regulations for such a Zone are contained in Chapter 142. It is therefore recommended that a new CONS section be added to Chapter 142, with a Purpose and Intent Preamble and appropriate Use and Bulk controls.

Absent such controls, it is not possible to know precisely how the recommended RR / CONS rezoning will impact West Windsor. However, any regulations will arguably support RR/C zoning in this section of West Windsor.

³⁰⁷ §6.5.1 herein.

7.3.2 MERCER COUNTY MASTER PLAN

A. Mercer County's current Master Plan was adopted in September 2010 and amended in May 2016. The 2016 Amendment takes a "3-Systems" approach to regional (County) planning by addressing the Economy, Transportation and the Environment. Policies related to each are:

- Economy
 - Promote the appropriate location and design of new development with opportunities for transit, regional equity, and preservation.
 - Provide infrastructure and other incentives that promote growth.
 - Promote housing choice to meet the region's needs.
- Transportation
 - Direct growth to transit corridors and centers.
 - Promote access management to enhance safety and capacity.
 - Promote compact design, walkable, mixed-use centers.
 - Match jobs to housing to reduce long auto commutes to work.
- Environment
 - Promote land use patterns that limit stormwater runoff and increase green infrastructure.
 - Promote redevelopment of brownfields and grayfields.
 - Prioritize open space acquisition to complete greenway networks, support compact development, and provide recreation opportunities to underserved populations.

B. Master Plan Consistency

The County's Master Planning process involved a Regional Action Plan ("RAP") and cross-acceptance process that included public stakeholder meetings with Municipal Liaisons, Mayors, Planning Board Chairs, municipal planners and administrators, RAP Advisory Group members, and members of the general public.³⁰⁸

This cross-acceptance / RAP process ensured that the County's Master Plan Amendment was consistent with the individual municipal Master Plans. Accordingly, the Master Plan Amendment is deemed consistent with Robbinsville's Master Planning documents.

³⁰⁸ 2019 Mercer County Master Plan Amendment: Framework: I. Plan Purpose and Process (p. 8)



While the recommendations contained in this Comprehensive Master Plan Update modify certain Principles and Strategies, Zoning District Boundaries, Permitted Uses and Building Controls for the Township, they do not substantially alter the underlying nature of the policies, uses or controls beyond what was in place prior to this Update. Accordingly, the changes proposed herein remain generally consistent with the Mercer County Master Plan.

7.3.3 STATE DEVELOPMENT & REDEVELOPMENT PLAN

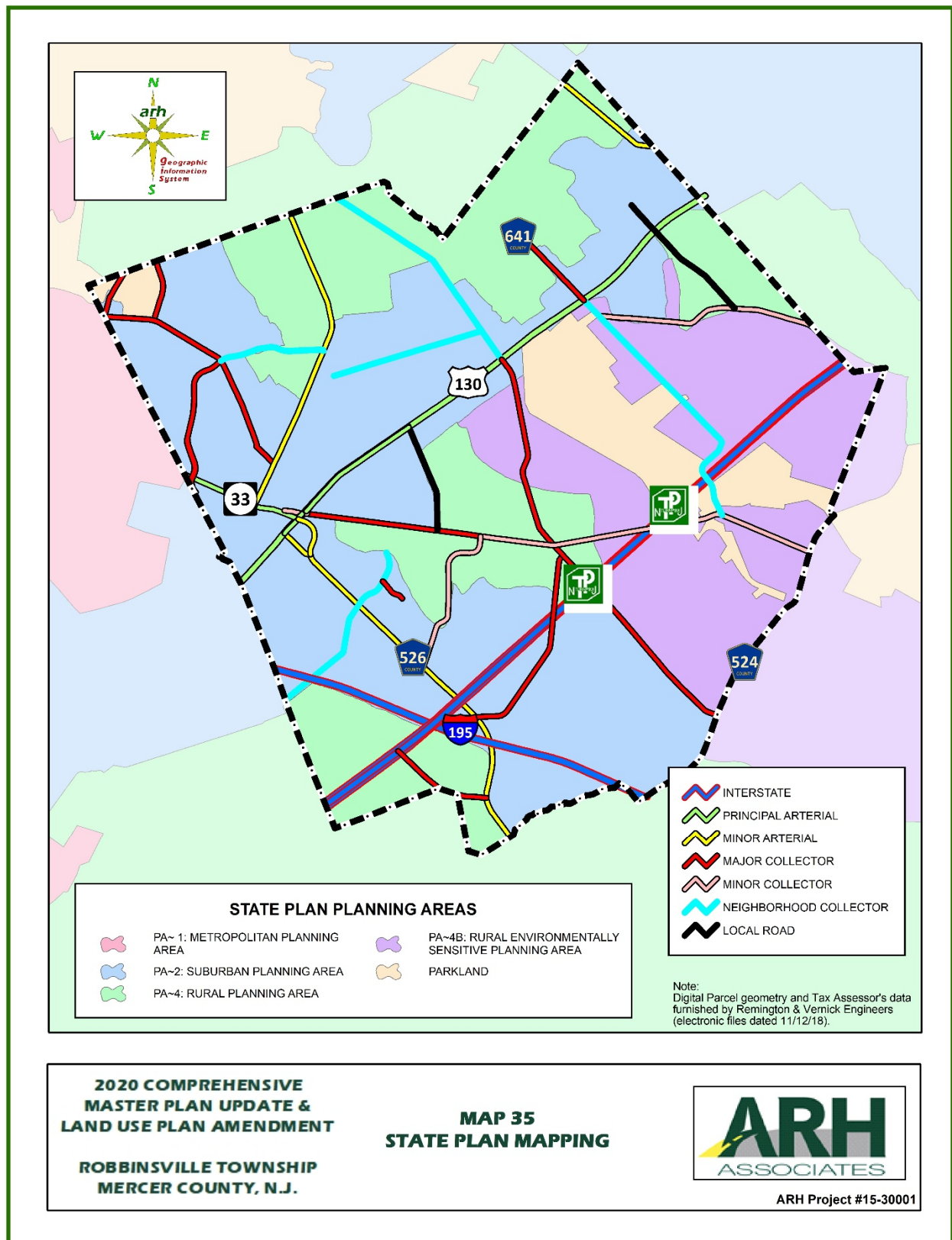
- A. Growth-related policy in New Jersey is embodied in the State Development & Redevelopment Plan. Promulgated by the State Planning Commission³⁰⁹ as the equivalent of a statewide master plan to guide development and investment, this document is an outline of the State's policies related to Smart Growth and general planning principles. Prepared as an interdepartmental effort between various State offices charged with managing growth in New Jersey³¹⁰, the State Plan is the controlling policy guide regarding growth-related issues on a statewide level.

The current version of the State Plan was adopted in March 2001. Over the years, the State has attempted to complete, but has not yet adopted, a reexamination of the Plan. The 2001 version of the State Plan is therefore the active planning tool and development guide for the State of New Jersey.

- B. As depicted on Master Plan Update Map 36, the State Plan classifies various sections of Robbinsville as:
- PA~2: Suburban Planning Area.
 - PA~4: Rural Planning Area.
 - PA~4B: Rural Environmentally Sensitive Planning Area.

³⁰⁹ In conjunction with the (now entitled) Office of Planning Advocacy (§2.13 herein).

³¹⁰ Principally, but not exclusively, NJDCA and NJDEP.



The State Plan has:

- Conferred Town Center designation and endorsed the Town Center Plan for what was then termed the Washington Town Center.
 - Identified the Gordon Simpson Estate as a potential Town Center.
 - Identified NJ Turnpike Exit 7A as a potential Regional Center.
 - Identified New Sharon as a potential Hamlet.
 - Identified Windsor and New Canton as potential Villages.
1. Suburban Planning Areas (PA~2) are designed to provide for much of the State's future development; promote growth in Centers and other compact forms; protect the character of existing stable communities; protect natural resources; redesign areas of Sprawl; reverse the current trend toward further Sprawl; and revitalize cities and towns.³¹¹
 2. Rural Planning Areas (PA~4) and Rural Environmentally Sensitive Planning Areas (PA~4B) are designed to maintain the Environs as large contiguous areas of farmland and other lands; revitalize cities and towns; accommodate growth in Centers; promote a viable agricultural industry; protect the character of existing, stable communities; and confine programmed sewers and public water services to Centers.³¹²
 3. Centers are compact forms of development ~ compared to Sprawl development ~ that consume less land, deplete fewer natural resources and are more efficient in the delivery of public services. The concept of Centers is the key organizing principle for development and redevelopment.³¹³

To accomplish these goals, each Planning Area has a number of Policy Objectives addressing:

³¹¹ State Plan: p. 196

³¹² State Plan: pp. 208 & 214

³¹³ State Plan: p. 10



- Land Use;
- Housing;
- Economic Development;
- Transportation;
- Natural Resource Conservation;
- Agriculture;
- Recreation;
- Redevelopment;
- Historic Preservation;
- Public Facilities and Services; and
- Intergovernmental Coordination.

C. The State Plan establishes a hierarchy of five Center types, each with specific designation criteria and growth management strategies.³¹⁴ Pertinent to Robbinsville:

1. Urban Centers are areas with existing infrastructure, a distinct central business district and neighborhoods with Cores of shopping and community services. They are compact compared to surrounding suburban communities, serve as the hub for communication and transportation networks in their regions and offer a diverse mix of industry, commerce, residences and cultural facilities.
2. Regional Centers are a compact mix of residential, commercial and public uses, serving a large surrounding area and developed at an intensity that makes public transportation feasible.
3. Town Centers are traditional Centers of commerce or government, with diverse residential neighborhoods served by a mixed-use core offering locally oriented goods and services.
4. Villages are primarily residential places that offer a small Core with limited public facilities, consumer services and community activities.
5. Hamlets are small-scale, compact residential settlements organized around a community focal point, such as a house of worship, luncheonette, small park or a civic building.

³¹⁴ State Plan: pp. 230 & 237

Local conditions may require flexible application of the criteria to achieve the Policy Objectives of the Planning Area in which the Center is situated.

These places are not expected to remain static, and areas are not precluded from growing ~ a Village may become a Town, or a Town may turn into a Regional Center. Both existing and new Centers may change over time.

- D. The State Plan recognizes the Township's efforts in creating and developing the Washington Town Center as follows (while specific details are dated, the general themes and accomplishments remain applicable):³¹⁵

Washington Township has utilized a continuing, cooperative and comprehensive planning process in developing a Town Center for its Robbinsville section.

Continuing

- *Town Center idea first conceived in 1985 as a goal of the Washington Township Master Plan.*
- *Concept reiterated in the 1990 Master Plan update.*
- *Town Center Development Plan developed and incorporated into the Township Master Plan in 1992.*
- *Township ordinances are amended in 1997 to incorporate the Town Center.*
- *Ground was broken for the Town Center in 2000 and initial sales have been brisk.*

Cooperative

- *The Town Center plan has been the subject of numerous meetings of the Township Planning Board and governing body, as well as many public hearings.*
- *Landowners and developers have been involved in the planning process and have indicated support for the Town Center concept.*
- *Visioning workshops were held to develop a community consensus of what the Town Center should be and what it should look like.*
- *State agencies have also been involved in the planning process. NJDOT and NJDEP have partnered with Washington Township, particularly with regard to roadway proposals.*
- *The Town Center concept has been discussed with, and endorsed by, Hamilton Township and the Mercer County Division of Planning.*
- *Office of State Planning staff has provided technical assistance and interagency coordination to promote the Town Center.*
- *The State Planning Commission designated the Town Center in 1998.*

³¹⁵ State Plan: p. 99

Comprehensive

- *The Master Plan has been amended to incorporate the Town Center concept.*
- *The Zoning Ordinance has been amended to incorporate a Town Center zone.*
- *The location of development in the Town Center will be guided by a Street Regulating Plan.*
- *Compact, mixed-use design guidelines specific to the Town Center have been developed.*
- *Traffic impacts have been addressed through the study funded by NJDOT.*
- *Growth management mechanisms, such as density transfers into the Town Center, are being established.*

E. By correspondence dated February 8, 2018, the Township was informed by the Office of Planning Advocacy (“OPA”) that the Town Center designation is set to expire on June 30, 2019. A procedure has been established to extend such expiration date to June 30, 2020. Beyond that, municipalities interested in maintaining their Center designation are required to seek Plan Endorsement from the State Planning Commission under N.J.A.C. 5:85-7.1.

The State Planning Commission requires municipalities interested in extending their Center designation to submit their intent to seek Plan Endorsement with the request for the extension. The next step in the process is to seek a pre-petition meeting with OPA. It is (presumably) at that meeting where the specific requirements for the Township to seek Plan Endorsement will be discussed.

The principal benefits to extending the Washington Town Center’s “Center” designation are to continue the State-level ‘pro-growth’ status of the area and to provide access to certain State-level financial benefits in the form of grants and below-market loans.³¹⁶ The principal drawback is that Plan Endorsement is costly and time consuming.

As detailed, herein the Washington Town Center is located in a PA~2 (Suburban) Planning Area under the State Plan. Growth in such Areas is encouraged in Centers and other compact forms. Outside of Centers, the goal of the State Plan for PA~2s is

³¹⁶ Such State-level financial benefits change from Administration to Administration based on priorities of the specific Governor. It is therefore not possible to provide conclusive examples that are not snapshots in time.



to protect the character of existing stable communities; protect natural resources; redesign areas of Sprawl; reverse the current trend toward further Sprawl; and revitalize cities and towns.³¹⁷ These goals are embodied, in one form or another, in the Principles and Strategies of this Comprehensive Master Plan Update.

With the exception of Town Center South, the Washington Town Center is all-but-fully developed.

For Town Center South, New Jersey's *Local Redevelopment & Housing Law*³¹⁸ requires approval of a municipality's Redevelopment Area or Rehabilitation Area designation by the Commissioner of the New Jersey Department of Community Affairs if the area in question is **not** located where State policy ~ principally articulated through the State Plan ~ encourages (re)development. Otherwise, any such designation takes effect with a simple Township filing to NJDCA. Only upon such approval is a municipality able to proceed with Redevelopment or Rehabilitation efforts.

The Township's filing to NJDCA took place immediately after the Resolution authorizing Redevelopment Area designation was adopted.

By correspondence dated October 29, 2010, NJDCA's Office of Planning Advocacy determined that Town Center South was "*situated in a Suburban Planning Area (PA~2) and a Center*" and, as such, the Township's Redevelopment Area designation "*took effect upon transmittal to the Department of Community Affairs and no further action is necessary from the department to effectuate [such] designation.*"

Based upon the forgoing, it is unlikely that extending the Town Center designation will be of any benefit to the Township. Accordingly, this Master Plan Update recommends that the Township not pursue such extension.

³¹⁷ State Plan: p. 196

³¹⁸ N.J.S.A. 40A:12A-6



F. While the recommendations contained in this Comprehensive Master Plan Update modify certain Principles and Strategies, Zoning District Boundaries, Permitted Uses and Building Controls for the Township, they do not substantially alter the underlying nature of the policies, uses or controls beyond what was in place prior to this Update. Accordingly, the changes proposed herein remain generally consistent with the State Development & Redevelopment Plan.

7.3.4 SOLID WASTE MANAGEMENT ACT

As with all municipalities in New Jersey, Robbinsville is mandated by County and State regulations to actively manage garbage / rubbish, recyclable materials, and vegetative waste. This management program consists of regulating receptacles for private waste collection, scheduling of collections, monitoring recyclable segregation, pick up and disposal of collected items, and pick up and disposal of vegetative materials.

Robbinsville operates this program through the Department of Public Works.