

PITNEY HARDIN LLP

GLENN C. GEIGER

DIRECT DIAL NUMBER
(973)966-8149

E-MAIL
GGEIGER@PITNEYHARDIN.COM

(MAIL TO)
P.O. BOX 1945

MORRISTOWN, NEW JERSEY 07962-1945

(DELIVERY TO)
200 CAMPUS DRIVE
FLORHAM PARK, NEW JERSEY 07932-0950
(973) 966-6300
FACSIMILE (973) 966-1015

NEW YORK, NEW YORK
(212) 297-5800
FACSIMILE (212) 916-2940

BRUSSELS, BELGIUM
32-02-514-54-19
FACSIMILE 32-02-514-16-99

November 17, 2004

VIA OVERNIGHT MAIL

Timothy J. Touhey, Chair
New Jersey State Planning Commission
c/o Fannie Mae
1 Gateway Center, 10th Floor
Newark, New Jersey 07102

Richard Miller, P.P.
Warren County Planning Department
165 County Route 519 South
Suite 111
Belvidere, New Jersey 07823

Re: **M&M Investments, L.P./AJR Investment Group, L.P.**
Brass Castle Creek Subdivision
Block 16, Lots 17 & 19
Washington Township, Warren County, New Jersey

Dear Messrs. Touhey and Miller:

This firm represents AJR Investment Group, L.P. ("AJR"), the owner of the captioned property, and M&M Investments, L.P., an affiliate of The Matzel & Mumford Organization, Inc. ("M&M"), the contract purchaser of the Property in connection with various zoning matters and a 1997 subdivision application. By way of background, AJR is a New Jersey limited partnership having its principal place of business at Youngs Road, New Vernon, New Jersey. AJR is the owner of an approximately 152 acre parcel of land within Washington Township (the "Township"), which parcel has frontage on New Jersey Highway 57, Kayharts Lane and Little Philadelphia Road and is designated as Block 16, Lots 17 and 19 on the Township tax map (the "Property"). M&M is a New Jersey limited partnership, having its principal place of business at 100 Village Court, Hazlet, New Jersey. M&M became the contract purchaser of the Property on January 10, 2000.

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We are submitting this correspondence to express our clients' concern over the change in Town Center designation requested by the Township in its response to a questionnaire issued by the Warren County Planning Department in connection with the recently released State Development and Redevelopment Plan ("State Plan") and the preliminary State Plan Policy Map (the "Policy Map"). Specifically, we are in receipt of a copy of the "2004 Cross Acceptance Questionnaire" prepared by the Township and submitted to the Warren County Planning Board in connection with the County's preparation of its draft cross-acceptance report, which is due to the State Planning Commission on November 30, 2004. (See Exhibit A.) In its responses to the questionnaire, the Township indicates as an inconsistency with the State Plan "the previous approval of a shared town center designation with Washington Borough, which included a sensitive area within the Pohatcong Valley along a Category 1 creek (Brass Castle Creek)." The questionnaire further states that the "township wishes to remedy this by removing itself from the town center designation and also to reconfigure the sewer service area so as not to promote inappropriate development." In response to the question regarding where changes should be made, the Township responds as follows:

Washington Township will remove the town center designation and remove environmentally sensitive area from the current sewer service district.

In addition, Washington Township will remove the town center designation in its entirety from the master plan and are requesting that this de-designation be correspondingly addressed in state documents. By way of this questionnaire, the Township is making this de-designation an integral part of the cross-acceptance process.

Another response to the questionnaire states:

The planning area map is consistent with the Washington Township's Master Plan to protect environmentally sensitive areas and provide for planned growth with the exception of the inclusion of the Township in the Town Center designation. The Township will withdraw from the town center designation as it contains environmentally sensitive wetlands and water that deserve protection. High quality farmland containing Brass Castle Creek in the Pohatcong Valley off of Route 57 west is currently in the town center and is facing an intense development proposal. This creek is designated as Category 1 and feeds the Pohatcong Creek, which has recently been upgraded, to Category 1.

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The Township will also reconfigure the current sewer service district to remove environmentally sensitive area from possible over-development due to the availability of sewers.

It is obvious from the foregoing comments that the only reason that the Township is seeking a de-designation of its town center status is an effort to thwart the development of the Property. Therefore, for the reasons set forth in this correspondence, it is M&M and AJR's position that the Township's request to be de-designated as a town center should be rejected by the State Planning Commission.

BACKGROUND

In order to support of this objection, I am providing herein a brief synopsis of AJR and M&M's extraordinary efforts to develop the Property for nearly 30 years. At the time the Property was acquired by AJR in 1974, the Property was zoned A/TH (apartment/townhouse) on Lot 17 (58.2 acres) and R-40 on Lot 19 (93.4 acres), which would have allowed 387 apartments and 77 single family homes for a total of 464 on 152 acres. In 1995, the Township down zoned property over AJR's objections to R-3 on Lot 17 and R-40 on Lot 19, which zoning allowed the 250-lot single-family detached subdivision approved by the Board in 1998, a little more than half the development allowed under the prior zoning. The R3/R40 re-zoning was the result of lengthy negotiations between the Township and AJR which avoided potentially costly and contentious litigation.

Across State Route 57 from the Property is an 87-acre parcel designated as Block 68, Lots 10, 11 and 12 on the Township tax maps, which is presently owned by the Township but formerly was owned by Segal & Morel, Inc., a residential developer (the "Segal & Morel Tract"). In January 1987, the Township adopted a Wastewater Management Plan (the "1987 WMP"), which implemented the area-wide Water Quality Management Plan. The 1987 WMP located the Property, the Sepal & Morel Tract and other properties within the Pohatcong Creek basin sewer service area. The 1987 WMP provided for a Township sewage treatment plant ("STP") to serve the Property and the Sepal & Morel Tract. The 1987 WMP specifically contemplated that the STP "should be located on a site west of Buttermilk Bridge Road and South of Pohatcong Creek" and "near the confluence of Pohatcong and Brass Castle Creeks" to service the Brass Castle area, including the Property. Subsequently, in 1989, the Segal & Morel Tract received preliminary site plan approval from the Washington Township Planning Board for the construction of 376 condominium units (the "Segal & Morel Project"). The Segal & Morel Project approval contemplated sanitary sewer service for the development from the 1987 WMP's proposed Brass Castle STP, which was to be constructed on the Segal & Morel Tract.

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In April 1997, AJR filed a preliminary major subdivision application with the Planning Board seeking approval of the subdivision of the Property into 250 single-family building lots, consistent with the zoning and development regulations of the Township. In June 1997, the Township amended its 1987 WMP (the "1997 WMP"), which continued to include both the Property and the Segal & Morel Tract in the same sanitary sewer service area to be serviced by the contemplated STP to be located on or near the Sepal & Morel Tract. The 1997 WMP reiterated that "the most feasible site for this plant would be a parcel located west of Buttermilk Bridge south of Pohatcong Creek." After several public hearings on the application, on December 17, 1997 the Planning Board approved AJR's preliminary major subdivision application for 250 single-family building lots (the "Preliminary Approval"). On January 28, 1998, the Planning Board formally adopted a resolution memorializing the Preliminary Approval. At the request of AJR, and based upon the length of time anticipated to obtain approvals for and to construct the proposed STP on or near the Segal & Morel Tract, the Preliminary Approval included an extended five year period of vested rights pursuant to N.J.S.A. 40:55D-49(d) to January 28, 2003. The Preliminary Approval was expressly conditioned upon the provision of public water service and public sanitary sewer service to the development.

During the period of December 1995 through May 1999, the Township and the Borough of Washington (the "Borough"), actively sought approval from the State Planning Commission of the designation of the Borough and portions of the Township as a "Town Center", as defined in the State Plan. The State Planning Commission approved the Town Center designation in May 1999. The Property is located within that portion of the Township that is included within the designated Town Center and, thus, the Property is part of the Town Center. The Town Center designation under the State Plan provides municipalities with advantages in connection with the securing of certain State funding and benefits. Under the Plan Implementation Agenda, approved by the State Planning Commission in connection with the said Town Center designation, the Borough and the Township are obligated to encourage and facilitate development within the Town Center at development densities consistent with the Town Center designation. (See Exhibit B.) The Plan Implementation Agenda, which the Township expressly agreed to, set forth the Township's obligation to pursue the necessary approvals and design for a wastewater treatment facility. It is also important to note that the State Planning Commission was originally not inclined to approve the center designation because the proposed development density was not high enough. The Township was required to demonstrate to the State Planning Commission that it had the zoning to meet the requisite development density objective of three units per acre. In order to do so, the Township specifically cited the potential development of the Segal & Morel Tract as well the Property. Additionally, the Township initially in 1994 wanted to extend the center designation further along Route 31; however, the 1994 submission was actually cut back by the State Planning Commission. The Township now seeks to reverse its position and undo the planning efforts of the past.

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In December 1999, the Township acquired the Segal & Morel Tract (which is also located in the Town Center) as open space using State Green Acres funding. While this was an unusual use of State assistance, this acquisition of the Segal & Morel Tract, more importantly, foreclosed the possibility of constructing the STP on the Segal & Morel Tract. In a continued effort to obtain sanitary sewer service to the Property, M&M, on its own and AJR's behalf, began negotiations with the Borough to accept wastewater flows from the Property at the Borough's sewage treatment plant (the "Borough STP"). Access to the Borough STP would be effected by connecting to the sanitary sewer trunk line under State Route 57 owned and operated by the Borough. By letter dated November 6, 2000, the Borough attorney indicated the Borough's willingness to consider a connection of the Property to the Borough STP provided that the Township: (i) consent to the proposed connection; (ii) amend the 1997 WMP to allow the connection; and (iii) consent to the extension of the franchise area of the utility which operates the Borough STP. In a letter to the Township dated December 8, 2000, M&M requested the Township's consent and an indication of the Township's willingness to amend its 1997 WMP to contemplate the connection to the Borough STP. At a meeting held on December 19, 2000, after a discussion of the requests contained in M&M's request, the Township, without providing any reasons, refused to allow the connection of the Property to the Borough STP. Based on the Township's acquisition of the Segal & Morel Tract and the Township's refusal to allow the connection to the Borough STP, AJR and M&M were left with no other alternative to provide sanitary sewer service to the Property, except to build the STP that had been contemplated on the Segal & Morel Tract on the Property itself.

On March 1, 2001, M&M filed an application for amended preliminary major subdivision approval. The application was identical to the plan which received the Preliminary Approval in 1998 except that an eight lot cul-de-sac was eliminated and an STP to serve the development was added in its place, thereby reducing the number of proposed building lots from 250 to 242. Following the submission of the amended plan, the Township's Engineer opined that the proposed STP on the Property was not a permitted use in the R-40 zone under the Township's zoning ordinance. Although M&M advised the Board that construction of the STP on the Property was a permitted accessory use, in April 2001, the Planning Board adjourned a further hearing on the application, on the grounds that further investigation would be required as to whether a use variance for construction of the STP on the Property was necessary. On May 17, 2001, M&M filed an application to the Board seeking: (i) an interpretation of the Ordinance as to whether the STP would be a permitted use in the R-40 zone on the Property as proposed or, in the alternative, a use variance pursuant to *N.J.S.A. 40:55D-70(d)*; (ii) amended preliminary subdivision approval for a 242-lot subdivision plan with an STP; and (iii) preliminary and final site plan approval for the newly proposed STP. On August 8, 2001, the Planning Board adopted a resolution memorializing its decision that the proposed STP was not an accessory use permitted under the zoning ordinance and that a use variance for construction of the STP would be required. On October 31, 2001, after four public hearings, the Board denied the M&M's application.

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Furthermore, on October 31, 2001, the Planning Board voted to amend the Township's Master Plan in contemplation of a significant down-zoning of the Property. On November 28, 2001, the Planning Board formally adopted a resolution memorializing its denial of M&M's application. Subsequently, in February, 2002, the Township rezoned the Property to the Valley Residential ("VR") Zone, which requires a minimum residential lot size of four (4) acres and which is clearly contrary to the Town Center designation and in breach of its Plan Implementation Agenda obligation.

AJR and M&M subsequently appealed the Planning Board's denial of the STP on the Property in 2002 and challenged the rezoning of the Property to VR which requires minimum four acre lots. Although, the Court affirmed the Planning Board's denial of the application, the ordinance challenge remains pending, as do additional counts seeking to compel the Township to approve a method for sewerage the development and meet its obligation under the Plan Implementation Agenda.

The actions of the Planning Board evidence an intentional attempt by the Planning Board and the Township to frustrate and prevent the development of the Property by AJR and M&M in accordance with the Preliminary Approval and its own center designation by denying AJR and M&M the ability to obtain sanitary sewer service for the development and, thereby, satisfy the conditions of the zoning ordinance and the Preliminary Approval. The Township has foreclosed all options for providing sanitary sewer service to the Property despite: (i) the zoning ordinance which calls for such service; (ii) the Property's location in a sewer service area; (iii) the Preliminary Approval; and (iv) the Property's location within a designated Town Center under the State Plan.

THE TOWNSHIP'S EFFORTS TO REMOVE THE TOWN CENTER DESIGNATION SHOULD BE REJECTED

As set forth above, when the Property was acquired by AJR in 1974, the Property was zoned A/TH and R-40, which would have allowed 387 apartments and 77 single family homes. In 1995, when the Township down zoned property over AJR's objections to R-3 on Lot 17 and R-40 on Lot 19 (which zoning allowed the 250-lot single-family detached subdivision approved by the Board in 1998), the Township justified the down zoning by claiming that growth would provided for in the Town Center. It is unfair and unreasonable for the Township to now seek de-designation of the Town Center, after considerable reliance on same by AJR and M&M, for the sole purpose of preventing development of the Property.

As set forth above, the Property is located both within a sewer service area and within one of the few "centers" designated by the State Planning Commission pursuant to the State Development and Redevelopment Plan (the "State Plan"). The State Planning Commission

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designated portions of the Township and the Borough as a Town Center in 1999 after nearly four years of the Township and the Borough seeking same. As discussed, pursuant to the Plan Implementation Agenda, approved by the State Planning Commission in connection with the designation, the Borough and the Township are obligated to encourage and facilitate development at densities consistent with the Town Center designation. In fact, the Plan Implementation Committee memorandum dated May 3, 1999 appended to the Center Designation Resolution dated May 26, 1999 states that the Township's petition was recommended for approval based expressly on (i) concentrating future development within centers; (ii) providing adequate land for future development and (iii) being a logical place, along with Phillipsburg, Oxford and Hackettstown, to concentrate development in southern Warren County.

Furthermore, centers are also described in the State Plan as the "preferred vehicle for accommodating growth" and "are planned to be the location for much of the growth in New Jersey". (State Plan p. 230). Town Centers, specifically, are contemplated to contain several neighborhoods "that together provide a highly diverse housing stock in terms of type and price levels" and offer "a remarkable diversity of housing choice". (State Plan p. 243). Since 1999, the Township has enjoyed State funding benefits and priorities from its status as a Town Center, yet now, after enjoying those benefits and considerable reliance upon the center designation by AJR and M&M, the Township now seeks de-designation in an effort to thwart the very same development it expressly agreed to in 1999. The position taken by the Township is short-sighted in that, in a rush to prohibit carefully planned development, it does not take into account the serious impacts that removal from the Town Center would have on its own residents and the Borough. As indicated above, removal from the Town Center would result in the Township losing all of the State funding benefits and priorities that it has enjoyed for several years. The de-designation of the Township would also impact the Borough's center designation, which is an integral part of the Town Center. The Borough worked along with the Township, as a partner, for years to obtain the Town Center designation, yet the Borough is now being left on its own because of the Township's anti-development stance. A tremendous amount of time and efforts were expended by various entities to obtain the center designation. While the Borough obviously worked to obtain the center designation status, the center designation was also approved at the County level and was subject to considerable State review and approval. All of these efforts will be wasted if the requested de-designation occurs.

Allowing the Township to remove itself from the Town Center would also be contrary to the State Plan's growth policies. The most recent version of the Policy Map has further reduced "Smart Growth" areas (i.e. designated centers and areas designated as Planning Areas 1 and 2). A number of municipalities around the State have requested further reductions in growth areas. For example, in Hunterdon County, municipalities located along the I-78 and State Route 22 corridor have requested that large areas of land presently designated as Planning Area 2 be changed to Planning Area 5. If these changes, including the one requested by the

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Township, are permitted, it will be impossible for the State Plan's growth policy to be implemented. If the State's "Smart Growth" areas are cut back to areas which are essentially already developed, as would be the case if Washington Township is stripped from the Town Center, then no State Plan "Smart Growth" objectives could possibly be met.

It should also be noted that the Township is within the "planning area" of the Highlands pursuant to the recently adopted Highlands Water Protection and Planning Act and as such, is designated as an area, pursuant to that legislation, where Highlands area development should be channeled away from the "preservation area". The Township's regional growth obligation is clear pursuant to the Highlands legislation, particularly in light of the stringent restrictions placed on other areas within Warren County which are designated as part of the "preservation area". De-designating the Township as a Town Center in order to prevent one development project would be contrary to the intent and purpose of the Highlands legislation which seeks to protect the "preservation area" by encouraging development in more appropriate areas, specifically in centers.

Furthermore, in light of the extensive statewide development related regulations that have been passed in recent years, including but not limited to, the Highlands legislation and the NJDEP's stormwater regulations, as well as numerous executive orders requiring that various governmental agencies promulgate regulations consistent with the State Plan, there is a need for more centers rather than fewer centers to accommodate the State's growth. The Township should not be permitted to ignore its obligation and role in providing for that future growth. In response to question number 6 of the 2004 Cross Acceptance Questionnaire, the Township states that it should receive funding from the State since "Washington is faced with a unique loss of development potential" as a result of new stormwater controls. It is disingenuous for the Township to request such funding and make such a claim when the Township has chosen to down zone lands which are appropriate for development and seek removal from the Town Center designation. Similarly, in response to question number 4, the Township requests that it be "compensated" for "budget losses" and the "loss of ratable base" as a result of the Highlands legislation, yet the Township is requesting de-designation in order to prevent development in areas where growth should logically occur and which would provide significant residential or commercial ratables to the municipality. These requests from the Township are clearly unreasonable in light of the Township's actions.

Additionally, in response to question number 6 of the questionnaire, the Township states that "more support or 'teeth' needs to be given to agencies to enforce the [State] Plan and encourage communities to adhere to its goals." Ironically, the Township is requesting that the State Plan be amended to remove itself from the Town Center. Allowing the Township to request de-designation solely to prevent the development of the Property would defeat its own argument that the State Plan should be given more "teeth" and that municipalities should "adhere to its goals". The Township should not be permitted to request that the State Plan have more

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teeth and then be permitted to treat the State Plan as a document that can be amended at whim without any regard to the impacts to surrounding communities, property owners and the region as a whole.

It is also important to note that the Township's concerns over environmental quality can readily be addressed by the compliance with applicable local zoning regulations and State regulations. Any environmental features on the Property will be amply protected by regulatory requirements relating to environmental protection areas. The applicable stream encroachment regulations, wetlands regulations and buffer requirements, as well as the special resource protection areas under the new stormwater regulations, would provide ample protection to the stream that bisects the Property. There is simply no need for the unnecessarily draconian measure of removing the Township from the Town Center.

While it is AJR and M&M's position that the requested de-designation should be rejected, the Township's efforts to de-designate the Town Center are particularly inappropriate at this time. As discussed above, there is pending litigation between the parties. Should the Township prevail in the litigation in the future, the Township can always petition the State Planning Commission for de-designation at a future date. On the other hand, if de-designation occurs at this point and AJR and M&M prevail, undoing the damage from de-designation (i.e. re-designating the Town Center) will be extraordinarily difficult, if not impossible. As the State Planning Commission is of course aware, the process of obtaining center designation is both complex and time consuming (taking several years) and involves various governmental agencies. In light of the extraordinary efforts put forth by AJR and M&M to develop the Property, the only appropriate time, if at all, for the Township to seek de-designation is in the future, after the conclusion of the litigation.

CONCLUSION

As set forth above, M&M and AJR have invested substantial amounts of time, effort and resources in connection with the proposed development in the Township both in terms of the application process and litigation. It would be grossly unjust to allow the Township to seek de-designation of its Town Center status after the Township and the Borough spent years obtaining that designation for the sole purpose of prohibiting the Property from being developed. It is also equally unfair to allow the Township to seek de-designation when both AJR and M&M have expended considerable sums of money and decades of time and effort pursuing the development of the Property, particularly in light of the lack of any planning basis for the de-designation. It is apparent that the Township is only seeking to frustrate the development of the Property without any regard for its regional growth obligation pursuant to the recent Highlands legislation as well as the Plan Implementation Agenda which it expressly agreed to, but failed, to

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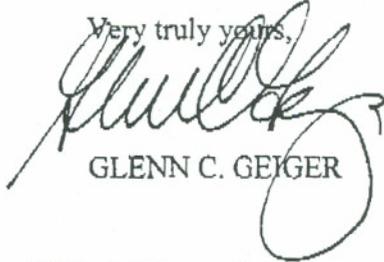
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follow. For the foregoing reasons, we respectfully request that the Township's attempts to remove itself from the Town Center be rejected.

Please be advised that should you require any reports, plans or maps, either hard copy or electronically, please advise us of same and we will gladly provide it to you. If we can be of any further assistance in this process or should you require any additional information, please do not hesitate to contact us.

Very truly yours,



GLENN C. GEIGER

Enclosures

cc: Adam Zellner, Executive Director, New Jersey Office of Smart Growth
David Dech, P.P., Director, Warren County Department of Planning
Washington Township Council
Washington Township Planning Board
~~Washington Borough Council~~
M&M Investments, L.P.
AJR Investment Group, L.P.

**2004 Cross Acceptance Questionnaire
Washington Township, Warren County**

- 1) Please describe how consistent or inconsistent your municipality's master plan and development regulations are with the State Development and Redevelopment Plan (SDRP).

Washington Township is generally in compliance with the SDRP. The goals of the Township Master Plan; to provide a reasonable balance among housing, retail, industrial, agricultural and open space uses; to establish a development mix that will not result in an undue burden upon township residents; to retain the rural atmosphere of the township while allowing for appropriate levels of growth and development and to protect the historic resources of the township are all consistent with the SDRP.

In a recent revision of the township master plan, zoning ordinances were changed to more effectively protect environmentally sensitive lands from intense development pressure. Open space acquisitions and farmland preservation within town borders has also been increased. One inconsistency is the previous approval of a shared town center designation with Washington Borough, which included a sensitive area within the Pohatcong Valley along a Category 1 creek (Brass Castle Creek). The township wishes to remedy this by removing itself from the town center designation and also to reconfigure the sewer service area so as not to promote inappropriate development.

- 2) Please identify and describe where changes should or will be made in your plan, and/or the state plan to attain consistency.

Washington Township will remove the town center designation and remove environmentally sensitive areas from the current sewer service district.

In addition, Washington Township will remove the town center designation in its entirety from the master plan and are requesting that this de-designation be correspondingly addressed in state documents. By way of this questionnaire, the Township is making this de-designation an integral part of the cross-acceptance process.

- 3) Do you agree with the proposed changes identified in the preliminary plan? Please identify where you believe the proposed changes are inconsistent with your plan.

The proposed changes to the SDRP seem to be more in the order of streamlining the plan and updating the document with information reflective of new policies and initiatives and do not have any adverse impact on the plan or Washington Township. The Township supports logical measures to make the planning document more user friendly and predictable.

- 4) What other changes should be made to the State Plan?

The SDRP should candidly address the matter of 'home rule'. The Highlands legislation has effectively usurped the existing police powers of the township as it relates to the 'Preservation' area and perhaps also the 'Planning' area in the future. We question the practical value of our 'home rule' authority in the 'Preservation' area. If the Township Boards review applications in strict conformance with the guidelines, the township may continue to make decisions on applications; however, if the Township does not make its determinations in conformance with the pre-established regulations, the overseeing Council may strip the township of its authority. Therefore, the township has been stripped of its home rule authority.

We also believe that the SDRP should make a definitive statement regarding the widespread state benefits that are enjoyed by preservation of the Highlands. While it is recognized that there will be a fair compensation fund for property owners (which we applaud) we also are aware that our municipality will suffer from the loss of ratable base in the future as well as the sense of community, which we would otherwise be able to develop over time. If Washington Township is to permanently suffer these losses, the township should be permanently compensated for foregoing budget losses so that others may have clean, reliable water source. In other words, the SDRP should make it clear that this legislation involves a municipal sacrifice.

- 5) What changes in the Planning Area Map, including proposed centers, do you recommend for your municipality?

The planning area map is consistent with Washington Township's Master Plan to protect environmentally sensitive areas and provide for planned growth with the exception of the inclusion of the Township in the Town Center designation. The Township will withdraw from the town center designation as it contains environmentally sensitive lands and water that deserve protection. High quality farmland containing Brass Castle Creek in the Pohatcong Valley off of Route 57 West is currently in the town center and is facing an intense development proposal. This creek is designated as Category 1 and feeds the Pohatcong Creek, which has recently been upgraded, to Category 1.

The Township will also reconfigure the current sewer service district to remove environmentally sensitive areas from possible over-development due to the availability of sewers.

- 6) What types of public infrastructure needs to be provided and/or expanded in your Municipality? (Examples include; water, sewer, roadways, public transportation, energy, communications, stormwater facilities, solid waste facilities, recycling facilities etc.)

Needed expansion would be the sewer hookup soon to be provided to the Port Colden Mall by Washington Borough. The mall (in Washington Township) has a failing septic field, and the State of New Jersey has issued an Administrative Consent Order for the mall to be hooked into Washington Borough's sewage infrastructure, which exists across the street. The Township and Borough have been working on this issue for several years and hookup should be complete in the near future.

The Township's unique geological condition has not been adequately acknowledged in the SDRP. The Township has a geologic karst condition, which the new state standards for storm water control have not provided guidance. Under new state regulation, maintenance of storm water facilities will likely become a municipal responsibility. If the township is to be responsible for maintenance of such facilities, it is essential for the remaining developable areas of the township (planning area of the Highlands) to have funding for expert advice on the design strategies, which might be employed to sustain development throughout the township. State funding should include expert master planning for a master township detention facility so that we might maximize our remaining developable lands. Such funding for expert analysis should be provided by the state since Washington is faced with a unique loss of development potential.

- 7) Please describe how your municipality has included the Key Concepts found on pages 4 through 7 of the 2001 SDRP in your planning process and master plan.

The Township has included Key Concepts by providing a fluid system that encourages citizen participation in its planning process. The township has recently updated its Master Plan to include more lands designated as rural planning, increased its programs to protect open space and farmland preservation and has entered into litigation to minimize the negative effects of a proposed large scale housing development in an environmentally sensitive area. The Township has also encouraged redevelopment in nearby Washington Borough, and continues to seek businesses to fill vacancies in available buildings in the Township. The Township encourages commercial development in areas where infrastructure exists, and limited housing in areas where environmentally appropriate and in density befitting a rural community.

- 8) Please provide comments and recommendations on how well you believe state agencies have implemented the SDRP.

State agencies have slowly improved implementation of the SDRP, but more coordination between those agencies is needed. In addition, more support or "teeth" needs to be given to agencies to enforce the Plan and encourage communities to adhere to its goals. Recent changes such as Smart Growth, increased regional planning and upgrades of waterways to Category 1 are heading in the right direction, but agencies need to ensure proper communication amongst them in order to coordinate programs properly. Professional management and consistency, not politics, should steer the SDRP.

- 9) What legislation, regulations, or other policy or programmatic changes are needed at the state, county, or municipal level to improve growth management, land preservation, economic development, transportation and infrastructure delivery?

Whatever state legislation is enacted regarding growth in the Highlands or in any other growth management scenario, should portray the sending as well as receiving municipality as clear winners in the program. Municipalities in the Highlands area should receive significant incentives to recover as an approach to combat the perception that an affected municipality is a loser in the process.

Municipalities are to assume the maintenance of detention basins unless a homeowners association is able to afford it. Unfortunately, homeowners believe that this obligation for maintenance should be a municipal responsibility and should be treated similar to the infrastructure maintenance found in the Kelly bill. Enabling legislation should be enacted to allow municipalities the ability to require that developers post a contribution for the perpetual maintenance of detention basins.

- 10) Do you have a plan or planning activity funded with a Smart Growth Grant submitted, approved, underway or complete?

Not at this time.

- 11) If a planning activity has been completed, how consistent is the final product with the SDRP? How should the SDRP be changed to be consistent with your plan?

Not applicable

- 12) For municipalities with designated centers; Washington Borough, Washington Township, Hope and Oxford, please explain how you have carried out the required tasks listed in your planning and implementation agenda.

Washington Township has encouraged commercial development in areas where appropriate and also encourages the redevelopment of Washington Borough.

As noted previously, all areas in Washington Township will be de-designated as a center. Consideration for managed growth will be considered after full evaluation of the impacts of recent legislation on the township as well as an analysis of availability of suitable land for increased density in development.

- 13) What areas in your municipality are being or are proposed for redevelopment?

Redevelopment most properly should be undertaken in accordance with the criteria as set by law. Upon authorization, the Planning Board would undertake a study to determine if an area is in need of redevelopment. However, in this discussion, the term 'redevelopment' is used in an informal sense where local evaluation has concluded that properties are underutilized. Washington Township has several commercial areas that are in need of redevelopment.

The former Shelby's / Acme stores on Route 57 East, the former Ames shopping Mall on Route 57 West, and the former Zachey's restaurant on Route 31 North are all empty, available and in need of redevelopment. The former Washington House restaurant on Route 31 South was recently sold and is being completely renovated as a new eating establishment. Port Colden Mall on Route 57 West is in need of aesthetic redevelopment and hookup to the Washington Borough sewage plant as per administrative order by the State of New Jersey due to a failing septic field. The A&P Mall on Route 31 South still has available storefronts and could also use some aesthetic improvements.



State of New Jersey
 DEPARTMENT OF COMMUNITY AFFAIRS
 OFFICE OF STATE PLANNING
 PO BOX 204
 TRENTON NJ 08625-0204

CHRISTINE TODD WHITMAN
 Governor

JANE M. KENNY
 Commissioner

May 27, 1999

Hon. David J. Higgins, Mayor
 100 Belvidere Avenue
 Washington, NJ 07882

Hon. Michael A. Kovacs, Mayor
 Township of Washington
 350 Route 57 W.
 Washington, NJ 07882

Re: *Washington Borough and Township Town Center*

Dear Messrs. Higgins and Kovacs:

I am writing to offer my congratulations and to officially notify you that, in accordance with the State Planning Rules (N.J.A.C. 17:22-8.6(a)), the State Planning Commission approved the Washington Borough and Township petition for Town Center designation at its meeting of May 26, 1999. I am enclosing a copy of the signed resolution indicating this approval. I am also writing to remind you that, according to section 8.6(b) of the rules, The Washingtons must provide public notice of the disposition of this petition in a newspaper of general circulation within the borough and township within 30 days of the receipt of this letter. In addition, the regulations require you to notice the Warren County Planning Board and the planning boards of adjacent municipalities within the same 30-day period.

As indicated in N.J.A.C. 17:22-8.6(f), all notifications shall contain, at a minimum, the following information:

1. The name and address of the person or organization that filed the petition;
2. A description of the action that was requested; and
3. A description and date of the State Planning Commission's disposition of the petition.

Newspaper notices may be published as a standard legal advertisement.

Please forward a copy of these notices to our office to complete our file. If you have any questions, please do not hesitate to call.

Sincerely,

Herbert Simmons
 Director

HS:djh:ag

- c. David Masli, Manager, LPAU
- David Hojsak, Field Representative
- Hon. Connie Myers, Assemblywomen, District 23
- David Dech, Planning Director, Warren County Planning Board
- Receptionist/Chron.



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
NEW JERSEY STATE PLANNING COMMISSION
PO Box 204
TRENTON NJ 08625-0204

CHRISTINE TODD WHITMAN
Governor

JANE M. KENNY
Commissioner

Resolution No. 99-007
Page 1 of 4

Date: May 26, 1999
Patron: Dianne Brake

RESOLUTION

DESIGNATING THE BOROUGH OF WASHINGTON AND THE TOWNSHIP OF
WASHINGTON (WARREN COUNTY) AS A TOWN CENTER

WHEREAS, the State Planning Commission, pursuant to its responsibilities under the State Planning Act, N.J.S.A. 52:18A-196 et seq., has prepared and adopted a State Development and Redevelopment Plan which includes a Resource Planning and Management Map, and

WHEREAS, in adopting a State Development and Redevelopment Plan, the State Planning Commission has determined to utilize the concept of Centers as the organizing planning principle for achieving a more effective and efficient pattern of development in New Jersey, and

WHEREAS, the State Development and Redevelopment Plan accordingly identifies five types of Centers: Urban Centers, Towns, Regional Centers, Villages, and Hamlets, and sets forth, in the section of the Plan containing Statewide Policies for Resource Planning and Management, a number of policies regarding the identification, development, redevelopment and delineation of Centers, and

WHEREAS, the State Planning Commission is also empowered, pursuant to N.J.S.A. 52:18A-203 of the State Planning Act, to adopt rules and regulations to carry out and implement its statutory responsibilities and purposes, and

WHEREAS, pursuant to its authority under N.J.S.A. 52:18A-203, the State Planning Commission has adopted regulations, set forth in N.J.A.C. 17:32-8, that establish procedures for the filing of petitions with the State Planning Commission for amendments of the Resource Planning and Management Map of the State Development and Redevelopment Plan in order that the Map and Plan can better serve to foster cooperation and coordination of planning activities between State agencies and local governments, and

WHEREAS, the Borough of Washington and the Township of Washington in the County



State of New Jersey
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NEW JERSEY STATE PLANNING COMMISSION
PO Box 204
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CHRISTINE TODD WHITMAN
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JANE M. KENNY
Commissioner

Resolution No. 99-007
Page 2 of 4

Date: May 26, 1999
Patron: Dianne Brake

of Warren (hereinafter "The Washingtons"), recognizing the benefits afforded to designated Centers under the State Development and Redevelopment Plan, have jointly filed a petition with the State Planning Commission in March 1996 pursuant to N.J.A.C. 17:32-8, seeking to amend the Resource Planning and Management Map of the State Development and Redevelopment Plan to have Washington Borough and portions of Washington Township designated as a Town Center under the Plan, and

WHEREAS, the Warren County Planning Board has endorsed the petition submitted by The Washingtons requesting designation of the two municipalities comprising The Washingtons as a Town Center under the Plan, and

WHEREAS, the Director of the Office of State Planning has reviewed the petition filed by The Washingtons and has determined that the petition meets the requirements of N.J.A.C. 17:32-8, and

WHEREAS, in accordance with N.J.A.C. 17:32-8.5, the Director of the Office of State Planning has recommended approval of the petition by memorandum dated May 3, 1999 and

WHEREAS, the Plan Implementation Committee conducted public hearings on January 8, 1997 and May 5, 1999 with regard to the petition filed by The Washingtons, and

WHEREAS, the Plan Implementation Committee has reviewed and considered the petition and the comments made regarding the petition at its hearing on May 5, 1999 and, consistent with the Director's findings, has recommended that the petition of The Washingtons, seeking designation as a Town Center, be forwarded to the State Planning Commission for approval with the recommendation that the Office of State Planning monitor the manner in which The Washingtons carry out the activities described in the Planning and Implementation Schedule set forth in their petition as well as any other activities which The Washingtons undertake in order to achieve the goals and objectives of their petition and to maintain the designation of The Washingtons as a Town Center, and

-ATTACHED

WHEREAS, the Plan Implementation Committee has reviewed and considered the petition and the comments made regarding the petition at its hearing on May 5, 1999 and, consistent with the Director's findings, has recommended that the petition of The Washingtons,





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DEPARTMENT OF COMMUNITY AFFAIRS
NEW JERSEY STATE PLANNING COMMISSION
PO BOX 204
TRENTON NJ 08646-0204

CHRISTINE TODD WHITMAN
Governor

JANE M. KENNY
Commissioner

Resolution No. 99-007
Page 3 of 4

Date: May 26, 1999
Patron: Dianne Brake

seeking designation as a Town Center, be forwarded to the State Planning Commission for approval with the understanding that approval of the center designation recognizes, but does not endorse, existing development outside of the center boundary, and that State agency decisions should not facilitate strip development in the State Route 31 highway corridor, and

WHEREAS, the State Planning Commission has considered the petition submitted by The Washingtons for designation as a Town Center, the findings of the Director of the Office of State Planning with regard to the petition, the recommended actions of the Commission's Plan Implementation Committee with regard to the petition, and all of the comments and written correspondence submitted to the Office of State Planning and the State Planning Commission regarding the petition, and

WHEREAS, the State Planning Commission has determined it appropriate to approve the amendment of the Resource and Planning and Management Map for the purpose of designating The Washingtons as a Town Center in accordance with their petition with the recommendation that the Office of State Planning monitor the manner in which The Washingtons carry out the activities described in the Planning and Implementation Schedule set forth in their petition as well as any other activities undertaken by The Washingtons in order to achieve the goals and objectives of their petition and to maintain the designation of the section described in the petition of The Washingtons as a Town Center, and

WHEREAS, the State Planning Commission has determined it appropriate to approve the amendment of the Resource and Planning and Management Map for the purpose of designating The Washingtons as a Town Center in accordance with their petition subject to the understanding that approval of the center designation recognizes, but does not endorse, existing development outside of the center boundary, and that State agency decisions should not facilitate strip development in the State Route 31 highway corridor, and

NOW THEREFORE BE IT RESOLVED that the State Planning Commission, pursuant to N.J.A.C. 17:32-8, hereby approves the amendment of the Resource Planning and Management Map designating Washington Borough and portions of Washington Township as a Town Center in accordance with the petition jointly filed by the two municipalities in March 1996 for this purpose, and





State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
NEW JERSEY STATE PLANNING COMMISSION
PO Box 204
TRENTON NJ 08633-0204

CHRISTINE TODD WHITMAN
Governor

JANE M. KENNY
Commissioner

Resolution No. 99-007
Page 4 of 4

Date: May 26, 1999
Parron: Dianne Brake

BE IT FURTHER RESOLVED that, in approving the amendment of the Resource Planning and Management Map for the purpose of designating The Washingtons as a Town Center, the State Planning Commission directs that the Office of State Planning monitor the manner in which The Washingtons carry out the activities described in the Planning and Implementation Schedule set forth in their petition as well as any other activities which The Washingtons undertake in order to achieve the goals and objectives of their petition and to maintain the designation of The Washingtons as a Town Center and further that the Office of State Planning work closely with The Washingtons to support the planning activities outlined in the petition to assist The Washingtons in the implementation and development of the Town Center, and

BE IT FURTHER RESOLVED that, in approving the amendment of the Resource Planning and Management Map for the purpose of designating The Washingtons as a Town Center, the State Planning Commission is of the understanding that approval of the center designation recognizes, but does not endorse, existing development outside of the center boundary, and that State agency decisions should not facilitate strip development in the State Route 31 highway corridor, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, the Senate President, the Assembly Speaker, members of the Legislature representing District 23, the Warren County Board of Chosen Freeholders and Planning Board and the Commissioners and Secretaries of State Agencies.

Certification

This Resolution was adopted by the New Jersey State Planning Commission at its meeting held on Wednesday, May 26, 1999. Ayes: (9) Dianne Brake, Monique Purcell, Emil Van Hook, Richard Fritzky, Jerrold Jacobs, Stephen Sasala, Lee Cartaneo, Bill Beetle, and Joseph J. Maraziti, Jr. Nays: (0). Abstain: (0).

Herbert Simmens

Herbert Simmens, Secretary
NJ State Planning Commission

Dated: May 28, 1999

EXCERPT FROM WASH. BOARD/TWP.
CENTER DESIGNATION REPORT
(REV. THRU 3/99)

VII. Planning and Implementation Agenda

Activity	Local Effort	State/County Assistance	Anticipated Completion Date
Land Use			
Create Design Guidelines to Preserve Town Character	Complete Visual Assessment Adopt Guidelines for CBD	NJOSP, NJ Historic Trust, County Technical Assistance	November 1999
Reduce Density in Center Environs	Amend Zoning Ordinance	Technical Support from SDRP and NJOSP	October 1996
Encourage Development in Centers	Amend Zoning Ordinance	Technical Support from SDRP and NJOSP	August 1997
Natural Resource Preservation			
Protect Limestone Aquifers	Create Carbonate Rock District Design Standards	Utilize N.J. Bureau of Geology Mapping	February 1997
Increase Acreage in Farmland Preservation Programs	Identify Candidate Farms in the Environs of the Center, Contact Local Property Owners, Conduct Meetings to Discuss Plans and Programs Available	Financial and Technical Assistance from the SADC and Warren County	December 1999
Expand Greenway System	Obtain Conservation Easements as Part of Development Approval Process	Technical Assistance from NJDEP	Ongoing
Acquire Conservation Areas as per Master Plan	Prepare Green Trust Applications for Target Parcels	Technical and Financial Assistance from Warren County and NJDEP Green Acres Program	April 1999
Housing			
Housing Rehabilitation Program	Continue/Implement Rehabilitation Programs	Technical and Financial Assistance from NJDCA and HMFA	Ongoing
Upgrade Apartments Over Downtown Stores	Apply for Grants	Technical and Financial Assistance from NJDCA and HMFA	December 1999

Enforce Property Maintenance Code	Continue Enforcement Program, Amend Codes as Necessary	NJDCA Technical Assistance	Ongoing
Economic Development			
Provide More Convenient Allocation of Parking Downtown	Identify Concerns, Prepare Plans	County Technical Assistance	January 2001
Promote Downtown Activities	Work with Merchants on Promotional Activities	County Technical Assistance	Ongoing
Enhance Pedestrian Mobility	Design Traffic Calming Measures	NJDOT Technical Assistance	December 1999
Signage and Façade Improvements	Update Sign Ordinance	NJOSP Technical Assistance	Ongoing
Infrastructure			
Upgrade/Expand Sewage Treatment Capabilities	Prepare Concept and Design Plans	Technical and Financial Assistant from NJDEP	September 2000
Highway Access Management Plan for SR 31	Adopt Plan	NJDOT Technical Assistance	November 1994



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OFFICE OF STATE PLANNING
PO Box 204
TRENTON NJ 08625-0204

CHRISTINE TODD WHITMAN
Governor

JANE M. KENNY
Commissioner

Memorandum

DATE: May 3, 1999
TO: Members, Plan Implementation Committee
FROM: Herbert Simmens, Director *HS*
RE: Washington Borough/Township, Warren
County, Center Designation Petition

Pursuant to Subchapter 8 of the State Planning Rules (N.J.A.C. 17:32 et seq.), the Borough of Washington and the Township of Washington have submitted a joint petition to amend the Resource Planning and Management Map. Specifically, the Borough and the Township have requested that the entire Borough of Washington and a portion of the Township of Washington be designated a Town Center.

The petition from the two Washingtons was originally received by the Office of State Planning (OSP) on March 11, 1996. It was first presented to the Plan Implementation Committee on January 8, 1997. The original PIC memo is attached. Correspondence between OSP and the petitioners resulted in a second draft of the petition in June 1997. Continued correspondence between OSP and the petitioners, meetings on site and at OSP, and the gracious assistance of Assemblywoman Connie Myers (District 23) resulted in the current version of the Washingtons' petition, dated March 1999. This most recent revision of the petition attempts to resolve the outstanding issues raised by OSP.

1. Overview

Washington Borough and Washington Township are located in rural Warren County at the junction of State Highways 31 and 57. The Borough is completely surrounded by the Township. Washington Township is bordered by Mansfield, White, Oxford and Franklin townships in Warren County, as well as Lebanon Township and the Borough of Hampton in Hunterdon County. The proposed Town center and its environs are located primarily in PA 4B and PA 5. The center boundary is roughly coterminous with the sewer service area.

Center Guidelines

	SDRP Town	Proposed Washington Center
Area	< 2 square miles	4.8 square mi.
Population	1,000-10,000	10,005 (2010) 12,530 (2010)
Employment	500-10,000	3,052 (1990) 3,400 (2010)
Dwelling Units	500-4,000	3,350
Jobs:Dwelling Unit	1:1-4:1	1:1.1:1
Dwelling Units/Acre	3-12+ net	3+ net

Center-Environs Comparison

	Center		Environs		Center as % of Muni. Total	
	Existing	2010	Existing	2010	Existing	2010
Area	4.8 sq. mi.	4.8 sq. mi.	15.05 sq. mi.	15.05 sq. mi.	24.2%	24.2%
Pop.	10,005	12,530	1,836	2,570	84.5%	83.0%
Pop. Change		2,525		734		77.4%
Employ.	3,052	3,400	500	1,100	85.9%	75.6%
Employ. Change		348		600		36.7%

2. Issues

As reflected in correspondence, the following were the outstanding issues that were addressed by the current center petition.

- **Route 31 Appendage.** The original proposal by the Washingtons called for a community development area of 9 square miles which included an appendage along the southern part of Route 31 to be enclosed within the center's community development boundary. OSP requested that the petitioners remove this appendage from

consideration, discuss current development conditions along Route 31, and discuss the potential for future development along this corridor. The petitioners were asked to pay particular attention to the future of the 100-acre parcel that is zoned for highway commercial uses along the western side of the road. The revised petition discusses the narrow strip of commercial zoning along Route 31. It states that this zoning is in response to commercial uses which have existed for many years in this area, as well as a reflection of use variances which have been granted over the years for commercial uses on residentially-zoned lands. Future commercial uses are termed 'low intensity,' requiring large parcels of land. The specific 100-acre parcel is not discussed. The petition continues to speak of the need for service roads along Route 31 to reduce access points and potential turning conflicts for through traffic. The need for these roads is not thoroughly discussed.

- **Asbury Farms.** The June 1997 draft of the center designation petition introduced the concept of the proposed Asbury Farms development into the mix of issues to be evaluated by OSP. Asbury Farms is located in the environs of the proposed town center, along the east side of Route 31, just south of Washington Borough. According to the June 1997 petition, Asbury Farms is "...a community of residential and commercial uses in a neotraditional concept with a 27-hole golf course as its centerpiece. Proposed uses include 350,000 s.f. of commercial space, an inn, 70 small lot single family dwellings and 60 apartment type units over retail in the commercial areas as well as a golf course and associated clubhouse." Since June 1997, golf course construction has commenced, and the residential/commercial mix of the rest of the project has changed. These changes are not outlined in the petition. Although this project is subject to Washington Township's "Planned Village District" ordinance, and contains some notable design elements, it does not meet the criteria for a center. With that said, OSP advised the petitioners that Asbury Farms, instead of being referred to as a planned village, instead should be described in the center designation petition as a unique "cluster" development in the environs of the Washington town center. That is how Asbury Farms is now referred to in the petition.
- **Downtown Washington Revitalization.** The original petition did not discuss how the Borough's downtown would be revitalized. In response to our request, the Borough developed a revitalization strategy comprised of the following: the formation of a Downtown Revitalization Committee; parking improvements; signage; façade improvements; sidewalks and street furniture; lighting fixtures; street trees; transportation improvements; code enforcement; enhancements to Shabbecong Creek; and improved linkages between the east and west sides of Route 31.
- **Clustering.** OSP asked the petitioners why Washington Township had dismissed clustering as a planning tool for preserving open space in the 4- and 5-acre residential zones. The petitioners responded that clustering is rejected as a planning tool in the Township's low density residential zones because they are underlain with limestone, and that intensive development in such areas exacerbates the formation of sinkholes.
- **Industrial Zone.** An approximately 435-acre industrial zone in Washington Township, located along the northern segment of Route 31, was included in the original center proposal submitted by the Washingtons. At the recommendation of OSP, this industrial zone was subsequently removed from the proposed center's community development area in the June 1997 draft of the petition. In our comments to the petitioners, OSP asked if they would, as part of their environs discussion, address the uses allowed in the industrial zone, as well as the development potential of this land. According to the Washingtons, this area is zoned for low intensity industrial uses. Although seeing little market for these uses at present, Washington Township feels it

prudent in keeping this zoning, given it presently has almost no industry, and has a current and long-term need for tax ratables. Permitted uses in this zone include offices, light industrial uses, wholesale distribution centers and warehouses, moving and storage companies, contractors operations centers, farms and colleges.

- **Open Space Mapping.** In our June 1997 comments to the Washingtons, we asked the Township to provide maps of its farmland preservation areas, greenways, and other open space initiatives both inside and outside the center. This has provided OSP with a clearer idea of what the Township is doing to preserve the environs of the Washington town center. This map depicts existing public open space, preserved farmland, proposed public open space, and potential greenways. To date, Washington Township has preserved 297 acres of farmland through the acquisition of development rights, and the purchase is pending on an additional 342 acres. The maps also depict an extensive greenway system that is part of the Township Greenways Plan. In another major open space acquisition, the Township expects to close this spring on a 400-acre parcel of steeply wooded land on Montana Mountain that is owned by the New Jersey-American Water Company.

3. Continuing Concern

My continuing concern is focused on the future of Route 31. Since most of the Route 31 corridor south of Washington Borough is not within a sewer service area, OSP recommends that state agencies not facilitate future strip development along the highway. We also recommend that the planning and implementation agenda for the Township and Borough contain language that encourages the two municipalities work with OSP in reviewing local signage and landscaping ordinances to see where improvements can be made to help to minimize visual clutter along Route 31.

4. Recommendation

I recommend approval of the Washington petition as is it meets most of the policy objectives of Planning Areas 4B and 5 by:

- concentrating future development within centers;
- providing adequate land for future development;
- protecting the environs through: farmland preservation, open space acquisition, greenway planning, and lower intensity zoning; and
- being a logical place, along with Phillipsburg, Oxford and Hackettstown, to concentrate development in southern Warren County.



State of New Jersey
DEPARTMENT OF THE TREASURY
OFFICE OF STATE PLANNING
CN-204
TRENTON NJ 08625-204

CHRISTINE TODD WHITMAN
Governor

BRIAN W. CLYMER
State Treasurer

Memorandum

DATE: November 12, 1996
TO: Members, Plan Implementation Committee
FROM: Herbert Simmens, Executive Director
RE: Washington Borough/Township, Warren County, Center Designation Petition

Pursuant to Subchapter 8 of the State Planning Rules (N.J.A.C. 17:32 et seq.), the Borough of Washington and the Township of Washington have submitted a joint petition to amend the Resource Planning and Management Map. Specifically, the Borough and the Township have requested that the entire Borough of Washington and a portion of the Township of Washington be designated a Town Center. The petition was received by the Office of State Planning on March 11, 1996.

In response to the petition, OSP sent a letter to the petitioners, dated May 9, 1996, outlining concerns that we have with the application. To date, we have not received an official response from the petitioners. We have, however, had subsequent meetings with the petitioners to discuss issues of mutual concern. The most notable meetings have been two that were convened by Assemblywoman Connie Myers (District 23). The first meeting was held at Assemblywoman Myers' office in Washington Borough on September 9, 1996, to discuss issues specific to the petition. The second meeting was held at NJDEP on October 8, 1996 to discuss sewer issues of mutual interest to the Department, Borough and Township, as well as wastewater planning and its relationship to a designated State Plan center.

This memo offers a preliminary review of the Town center proposal for the Committee. It offers no recommendations at this point since there are many unresolved issues that need to be addressed.

1. Overview

Washington Borough and Washington Township are located in rural Warren County at the junction of State Highways 31 and 57. The Borough is completely surrounded by the Township. Washington Township is bordered by Mansfield, White, Oxford and Franklin townships in Warren County, as well as Lebanon Township and the

Borough of Hampton in Hunterdon County. The proposed Town center and its environs are located primarily in PA 4B and PA 5.

Center Guidelines

	SDRP Town	Proposed Washington Center
Area	< 2 square miles	9 square miles
Population	1,000 - 10,000	10,156 (1990) 13,012 (2010)
Employment	500 - 10,000	3,352 (1990) 4,250 (2010)
Dwelling Units	500 - 4,000	3,400
Jobs:Dwelling Unit	1:1 - 4:1	0.97:1
Dwelling Units/Acre	3 - 12+ net	3+

2. Issues

The issues outlined below reflect OSP comments to the petitioner in our aforementioned letter of May 9, 1996.

• Community Development Boundary

The proposed Washington center far exceeds the community development area size guideline for a town center. The proposed community development boundary encompasses an area of nine square miles. This includes the entire Borough of Washington, which is approximately two square miles in size, and seven square miles of Washington Township (17.9 square miles in total) that immediately surround the Borough. The size criterion for a town is two square miles or less. As a comparison, the proposed town center is larger in land area than the City of Trenton, which encompasses only 7.65 square miles.

One notable feature of the proposed community development area is the appendage which extends out along Route 31 from the southern end of the Borough to the Musconetcong River, a distance of approximately 3.7 miles. This finger is classified as commercial in the Washington Township master plan, and is highway strip commercial in the making.

While the proposed community development area exceeds the upper size limit for a Town, and it appears to be too large to ensure compact, pedestrian-oriented development, the proposed center still meets the State Plan's Town population density criterion of more than 1,000 persons per square mile. The proposed Washington center's 1990 population figure of 10,156 persons, translates into 1,128 persons per square mile. Meeting the density criterion is primarily the result of the Borough's 1990 population density of 3,237 persons per square mile.

Responding to OSP's concern over the excessive size of the community development boundary, the Borough and Township expressed a willingness to shrink the size of the CDB if sewers, proposed to be located outside of the center, do not cause an

NJDEP disapproval of the Township's WMP. The Department has not yet adopted rules regarding such situations.

- **Population**

The proposed Washington center's 1990 population of 10,156 persons slightly exceeds the upper limit for a Town center (10,000 persons). The projected 2010 population of 13,012 persons will exceed the upper limit even more.

Approximately 86% of the combined 1990 population of the Borough and Township reside within the proposed town center. Of Washington Township's 1990 population, 69% reside within the proposed center. Approximately 86% of the combined 2010 population are expected to reside within the proposed center, including a greater share of the Township's population (74%). Just 403 of the 2,733 new residents of the Township are expected to locate in the environs of the proposed center.

- **Employment**

The 1990 employment figures for the proposed Washington center fall within the parameters of a Town center. Approximately 3,552 jobs were located within the Borough and Township combined in 1990, with 3,332, or 94% of the total jobs, inside the proposed community development boundary. The 2010 employment projections also fall within the parameters of a Town center. It is estimated that approximately 4,500 jobs will be located within the Borough and Township combined, with 4,250, or 94% of the total jobs, inside the proposed community development boundary.

If applied rigidly, the proposed Washington center falls just short of the jobs-to-dwelling unit ratio criterion for a Town center. The calculation of this figure, using information provided in the petition, yields a jobs-to-dwelling unit ratio of .97:1. Since this figure is so close to the minimum ratio of 1:1, the proposed town center meets this criterion for all practical purposes.

- **Development Density**

According to the petition, the development density of the proposed center is somewhat more than three dwelling units per acre. This meets the density criterion of a Town center, however, it is unclear how this figure was calculated. Although the petition lists 3,400 dwelling units in the proposed center, it is silent on what factors were subtracted out in the calculations to determine a net development density of three dwelling units per acre. Given just 3,400 dwelling units, a nine square mile community development area, and no elaboration on the factors used in the density calculation, it is difficult to conclude that the Washington center meets the Town center criterion of 3 - 12 net dwelling units per acre.

- **Water Supply**

The New Jersey American Water Company provides public water to Washington Borough and adjoining areas of the Township. Water does not seem to be a limiting factor for the proposed center. According to the petition, New Jersey American has indicated that it can provide for the expansion of its distribution system as needed, and substantial water resources are available in the limestone aquifers of the Township. The petition, however, provides no information about present or future water demand from the proposed center.

- **Sewer Service**

Sewer service is provided to the entire Borough and limited areas of the Township. Along with the Borough, approximately four dozen homes in the Township are tied into the Washington Borough Wastewater Treatment Plant. Two subdivisions in the northern part

of the Township are tied into the Pequest River Municipal Utilities Authority system. There are several package treatment plants in the Township which serve small retail centers.

Washington Borough currently has an Administrative Consent Order with NJDEP to upgrade its sewage treatment plant. The petition gives no specifics of the nature of the upgrade. It is possible that the proposed upgrade will include an expansion of the plant with capacity to serve the Township, as the Borough and the Township are engaged in ongoing negotiations with regard to the creation of a joint sewerage authority.

It is not a given that additional areas of the Township will be served by an upgraded Borough treatment plant. The most recent amendment to the Township's Wastewater Management Plan, dated December, 1994, shows a sewer service area that is roughly coterminous with the community development boundary of the proposed Washington center. A significant difference between the two occurs in the Route 31 corridor south of the Borough. Here, the proposed community development boundary incorporates a larger land area than indicated by the WMP. The WMP also indicates that treatment would be provided at a new treatment plant in the Township, along the Pohatcong Creek, or at an expanded Borough treatment plant, if a joint authority is established.

While the petition indicates a need for upgraded or expanded sewage treatment facilities to serve the proposed center, whether they be in the Borough or the Township, there is no information about present capacities and flows, nor are there any projected 2010 flows and capacity deficiencies. It is assumed, but not clear, that there will be insufficient sewer capacity to accommodate future growth in the proposed town center.

- **Circulation**

New Jersey State Highways 31 and 57 are the two principal routes which serve the Washingtons. According to the petition, these roads currently operate at acceptable levels-of-service, with the exception of Route 57 in the central business district of the Borough. By the year 2010, the petition anticipates unacceptable levels-of-service to occur at major intersections along these state highways. There is no information provided on current and projected traffic counts along these roads, nor is there any definition of what an unacceptable level-of-service is. The petition anticipates the need for intersection widenings with dedicated left turn lanes along Routes 31 and 57. There is also a reference to the Washington Township Master Plan's recommendation for the construction of service roads adjacent to Route 31 south of the Borough. This stretch of road is zoned for commercial uses, and the master plan recommends service roads in order to reduce the number of access points and potential conflicts with through traffic along that stretch of Route 31.

- **Land Availability Analysis**

According to the petition, of the nine square miles comprising the proposed community development area, 2,500 acres (3.9 square miles) within the Township, and most of the 153 vacant acres within the Borough, are suitable for development. That appears to be more than enough, if not excessive, to accommodate the approximately 2,856 person increase in population by 2010.

- **Center Design Guidelines**

Washington is described as a traditional rural town center that is higher in density than its surroundings. The downtown area of the Borough is described as mixed-use, with commercial uses radiating out into the Township along arterial highways. The Borough's street network is described as a modified grid that overlaps into the Township in some areas. The Township's street pattern, for the most part, is described as one that radiates out from the Borough, with cross streets connecting the radials.

There is no discussion of whether Washington Township's ordinances will allow for the continuation of the Borough's street pattern into the Township. With 2,500 acres available for development in the Township portion of the center, it is quite possible for the development numerous, unconnected subdivisions throughout the community development area.

There is also no discussion of the development densities that are allowed within and outside the community development area. This is particularly important in the Township's portion of the center in order to determine whether the compact nature of the Borough will be continued, and if the community development boundary is meaningful from a growth management standpoint. One must reference the Township's master plan and zoning ordinance to find this information.

- **Growth Management Mechanisms**

The major growth management mechanisms outlined by the petition are the uses of infrastructure and zoning to either encourage or discourage growth. Since the Borough is nearly fully developed, these mechanisms apply mostly to the Township. The Township supports infrastructure and higher density zoning where growth is desired, and discourages infrastructure and implements low density zoning where growth is not desired.

Not mentioned in the petition, but found in the Township's master plan, is the use of "mountain conservation" and "rural residential" zones to limit development outside of the proposed community development boundary. The mountain conservation classification covers the Montana Mountain area and has a minimum lot size of five acres. The rural residential classification covers the Musconetcong and Pohatcong valleys and has a minimum lot size of four acres. The petition's discussion on growth management would be much stronger if zoning in the proposed center's environs was discussed in more detail.

The petition refers to two tools to preserve open space that are included in the Township's master plan. The first is the establishment of natural buffers adjacent to stream corridors. This is viewed as a tool to implement the Township's greenways plan. The second tool mentioned is farmland preservation. It is seen as a way to establish lower densities outside of the community development boundary.

- **Intergovernmental Coordination**

This petition is a joint effort between Washington Borough and Washington Township, but it is not clear on how a center designation will expedite the achievement of intergovernmental coordination. By the very existence of the petition, intergovernmental coordination is achieved at least in the area of center designation. It is not clear if the Borough and Township are cooperating on other issues.

While this petition seems to represent a consensus between the Borough and the Township, there is no indication that neighboring municipalities were consulted in its development. In particular, Franklin and Mansfield townships in Warren County, and Lebanon Township in Hunterdon County, may have an interest in the designation of a Washington Center, since the proposed community development boundary touches the borders of these three municipalities. The petition does not mention these municipalities.

- **Planning and Implementation Agenda**

The petition lacks a Planning and Implementation Agenda (PIA). However, there are references to elements that can comprise that agenda. They need to be articulated in the form of a PIA.

- **Downtown Revitalization**

The petition is silent on the issue of downtown revitalization efforts in Washington Borough. Our May 9 letter alluded to this issue in the discussion about the community development boundary appendage along Route 31. We are asking the applicants to be more specific about revitalization efforts in Downtown Washington, since strip development along Route 31 can work at cross-purposes to maintaining a viable downtown district.

New Proposed Center Boundary

TOWNSHIP OF WASHINGTON
WARREN COUNTY, NEW JERSEY



PROPOSED COMMUNITY DEVELOPMENT BOUNDARY

Existing	7.6	6.5	Sq. mi.
Proposed		4	Sq. mi.
+ Borough		2	Sq. mi.
		<u>6</u>	Sq. mi. Total



BASE MAP UPDATED OCTOBER 1994

FIGURE 12