



Mayor and Common Council Borough of Flemington

November 28, 2022

Council Meeting Room and Online

I. Call to Order

1. Statement regarding OPMA

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of November 28, 2022 was included in a list-of-meetings notice sent to the Hunterdon County Democrat and Courier-News on Jan. 5, 2022, posted on the bulletin board at Borough Hall on that date, and has remained continuously posted as required. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Borough Clerk.

II. Executive Session (6:30 PM)

RESOLUTION 2022-232: EXECUTIVE SESSION TO DISCUSS LABOR NEGOTIATIONS WITH THE PBA

III. Work Session (7:00 PM)

- I. Presentation by Beth McManus on Citizen's Advisory Committee & Global Agway Redevelopment Plan

IV. Regular Meeting (7:30 PM)

Flag Salute

Roll Call:

Betsy Driver	Mayor
Jessica Hand	Council Vice President
Malik Johnston	Council Member
Jeremy Long	Council President
Tony Parker	Council Member
Elizabeth Rosetti	Council Member
Kimberly Tilly	Council Member

1. Mayor's Report
2. Council Members' Reports

Council Vice President Hand
Council Member Johnston
Council President Long
Council Member Parker

Council Member Rosetti

Council Member Tilly

Public Comments - Session I (up to 3 minutes each, for a maximum of 30 minutes)

Approval of Minutes

Motion To: **Approve Minutes: November 14, 2022 Regular Council Meeting**

Motion To: **Approve Minutes: November 14, 2022 Executive Session**

Consent Agenda

1. RESOLUTION 2022-233: AUTHORIZING THE REFUND OF THE 2022 REORG DINNER FEE OF \$25.00
2. RESOLUTION 2022-234: AUTHORIZING RETURN OF \$100 ESCROW FEE FOR A STREET OPENING PERMIT ISSUED FOR 35 BROWN STREET
3. RESOLUTION 2022-235: CHANGING THE 2023 REORGANIZATION MEETING DATE
4. RESOLUTION 2022-236: AUTHORIZING THE APPOINTMENT OF MICHAEL HUMPHREY, ACTING BOROUGH CLERK, AS THE FUND COMMISSIONER FOR STATEWIDE INSURANCE FOR 2023

Regular Agenda (Start)

This meeting is being held in conformance with the Open Public Meetings Act.

5. RESOLUTION 2022-237: CREATING THE PLAN ENDORSEMENT CITIZENS' ADVISORY COMMITTEE
6. ORDINANCE 2022-30: 1ST READING: AMENDING A PORTION OF THE "GLOBAL AGWAY REDEVELOPMENT PLAN"
7. ORDINANCE 2022-28: 2ND READING AND PUBLIC HEARING: ESTABLISHING NO-PARKING ZONES ON BROAD STREET
8. ORDINANCE 2022-29: 2ND READING AND PUBLIC HEARING: REVISION OF WATER USE AND IRRIGATION FEES FOR 2023
9. RESOLUTION 2022-238: SUPPORT FOR THE OPERATION OF AN EXPANDED ALTERNATIVE TREATMENT CENTER TO INCLUDE TO SALE OF MEDICAL AND RECREATIONAL CANNABIS BY AUNT MARY'S DISPENSARY, LLC, F/K/A ALTUS NEW JERSEY, LLC, WITHIN THE BOROUGH OF FLEMINGTON
10. RESOLUTION 2022-240: CONFIRMING THE SUPPORT OF THE LOCATION AND OPERATION OF A CANNABIS DISPENSARY BY MCGRAW HOLDINGS NEW JERSEY, INC., ON BLOCK 43 LOT 9.01, WITHIN THE BOROUGH OF FLEMINGTON

11. RESOLUTION 2022-239: AUTHORIZING THE MAYOR AND CLERK TO SIGN A 2023-2025 COLLECTIVE BARGAINING AGREEMENT WITH PBA LOCAL 188 REPRESENTING FLEMINGTON POLICE DEPARTMENT

3. Public Comments - Session II (up to 3 minutes each, for a maximum of 30 minutes)

4. Attorney's Report

5. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$684,777.35**

Executive Session for Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

Adjournment

Motion To: **Adjourn**

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/28/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED

RESOLUTION 2022-232

DOC ID: 3955

**Executive Session to Discuss Labor Negotiations with the
PBA**

WHEREAS, the Common Council of the Borough of Flemington desires to discuss and obtain attorney advice regarding labor negotiations with the local chapter of the PBA; and

WHEREAS, an executive session for this discussion is justified under N.J.S.A. 10:4-12 (7), which cites:

pending or anticipated litigation or contract negotiation other than in subsection B. (4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise her ethical duties as a lawyer; and

WHEREAS, a date cannot yet be given for when the minutes from the executive session may be made public;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Flemington go into executive session for the above-stated purpose.

Adopted: November 28, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/28/22 07:30 PM
Department: Governing Body
Category: Financial Approval
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-233**

DOC ID: 3953

**Authorizing the Refund of the 2022 Reorg Dinner Fee of
\$25.00**

WHEREAS, the Borough of Flemington scheduled a dinner following the 2022 reorg meeting on January 4th, 2022; and,

WHEREAS, the Sharon Hill and James Hill of 3 Broad Street paid the amount of \$25.00 to attend the dinner; and,

WHEREAS, the dinner was cancelled due to the COVID Health Emergency.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington that Sharon Hill and James Hill are refunded \$25.00 by the Borough of Flemington for the cancellation of the dinner scheduled for January 4th, 2022.

Adopted: November 28, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/28/22 07:30 PM
Department: Governing Body
Category: Financial Approval
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-234**

DOC ID: 3961

Authorizing Return of \$100 Escrow Fee for a Street Opening Permit Issued for 35 Brown Street

WHEREAS, Mario Peluso with Ever Dry Contracting applied for a street opening permit for work that included the sidewalk at 35 Brown Street, including \$100 escrow; and

WHEREAS, the project has been completed to the satisfaction of Borough officials;

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council, Borough of Flemington, County of Hunterdon, State of New Jersey that a refund of the escrow in the amount of \$100.00, made payable to Mario Peluso with Ever Dry Contracting **<address here>**, is approved.

Adopted: November 28, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/28/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-235**

DOC ID: 3959

Changing the 2023 Reorganization Meeting Date

WHEREAS the Mayor and Common Council approved Resolution 2022-4 establishing the date for the 2023 Reorganization Meeting to be on Tuesday, January 3rd, 2023, at 5:00 PM, and

WHEREAS the Mayor-Elect has requested the location of the 2023 Reorganization Meeting to be located at the Historic Courthouse in Flemington, which is not available on Tuesday, January 3rd, 2023 at 5:00 PM, and

WHEREAS the Mayor-Elect has requested the date of the 2023 Reorganization Meeting to be changed to Wednesday, January 4th, 2023, at 5:00 PM, to accommodate the availability of the Historic Courthouse, and

BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington that the date for the 2023 Reorganization Meeting be changed to Wednesday, January 4th, 2023, at 5:00 PM, to accommodate the availability of the Historic Courthouse.

Adopted: November 28, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/28/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-236**

DOC ID: 3935

Authorizing the Appointment of Michael Humphrey, Acting Borough Clerk, as the Fund Commissioner for Statewide Insurance for 2023

WHEREAS, the Borough of Flemington (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Flemington (Local Unit) that Michael Humphrey is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2023**; and

BE IT FURTHER RESOLVED that Rebecca Newman is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2023**; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

ADOPTED: November 28, 2022

ATTEST:

BETSY DRIVER, MAYOR

MICHAEL HUMPHREY, ACTING BOROUGH CLERK

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/28/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-237**

DOC ID: 3954

Creating the Plan Endorsement Citizens' Advisory Committee

WHEREAS, the Mayor and Council of the Borough of Flemington desire to obtain Plan Endorsement from the State Planning Commission; and

WHEREAS, Plan Endorsement is a voluntary review process developed by the State Planning Commission to provide the technical assistance and coordination of the State for municipalities, counties, and regional agencies to meet the goals of the State Planning Act and State Development and Redevelopment Plan; and

WHEREAS, the State Planning Act recognizes that coordination of State action is necessary to help municipalities develop New Jersey's economy while protecting the natural, historic and recreational resources, providing adequate and diverse housing, and redeveloping our cities and older suburban areas;

WHEREAS, the purpose of the Plan Endorsement process is to increase the degree of consistency among municipal, county, regional and state agency plans with each other and with the State Plan and to facilitate the implementation of these plans with the primary focus on where and how development and redevelopment can be accommodated in accordance with the State Plan; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines establish a comprehensive and coordinated planning process in order for a municipality to consider, and update as necessary, master plans, functional plans, development regulations and capital plans to be consistent with the State Plan and achieve plan endorsement; and

WHEREAS, through plan endorsement, master plans, functional plans, development regulations and capital plans should be coordinated and supportive of each other; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines incorporate, and expand upon, the principles of the Municipal Land Use Law in order to help towns plan for a sustainable future; and

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-27, the Mayor may appoint one or more persons as a citizens' advisory committee to assist or collaborate with the planning board in its duties, including adoption of, and amendment to, the master plan to guide the use of lands within the municipality in a manner which protects the public health and safety and promotes the general welfare of the community; and

WHEREAS, the Plan Endorsement Guidelines and State Planning Rules require the

appointment of a Plan Endorsement Advisory Committee to guide the municipality through the Plan Endorsement process; and

WHEREAS, the Plan Endorsement Advisory Committee shall consist of between 5 and 10 members, including one representative of the governing body, a Class IV member of the planning board; one representative of a local board, commission or committee who is not a member of the planning board; and two representatives of the public that do not hold a position, employment or office with the municipality.

NOW THEREFORE BE IT RESOLVED that the Mayor of the Borough of Flemington hereby approves and adopts the following:

The Borough of Flemington establishes a Plan Endorsement Citizens' Advisory Committee consisting of between 5 and 10 members as follows:

1. Name, Member of the Governing Body
2. Name, Class IV Member of the Planning Board
3. Name, Representative of local board, commission or committee
4. Member of the Public
5. Member of the Public
6. Name (Optional Member)
7. Name (Optional Member)
8. Name (Optional Member)
9. Name (Optional Member)
10. Name (Optional Member)

The members of the Citizens' Advisory Committee shall serve at the pleasure of the Mayor; and

The Citizens' Advisory Committee shall report findings and conclusions of its actions performed pursuant to the State Planning Rules and Plan Endorsement Guidelines, and make recommendations to the Planning Board on next steps, but shall have no power to vote or take other action required of the Planning Board; and

The Citizens' Advisory Committee shall also report to the Governing Body at least (*insert reporting schedule*) on the status of plan endorsement; and

The Citizen Advisory Committee shall be entitled to call to its assistance any personnel of any municipal department or consultant thereto as it may require in order to perform its duties; and

The Citizens' Advisory Committee is established for the purpose of:

Guiding the plan endorsement process for the municipality;

Increasing public awareness of, and participation in, the plan endorsement process for the community;

Serving as the liaison with the state, county, regional agencies and local officials throughout the plan endorsement process;

Assisting the municipality in meeting the deadlines of plan endorsement;

Take the lead on completing the municipal self-assessment and submitting the required planning documents to the Office of Smart Growth;

Helping to facilitate community visioning as described in the Plan Endorsement Guidelines and community visioning standards;

Reporting the findings and conclusions of the self-assessment and community visioning to the local planning board for its review; and

Negotiating a draft Action Plan with the Office of Smart Growth, in collaboration with the planning board and governing body, to consist of actions that should be taken to adopt and/or update plans, ordinances and regulations in order to meet the plan endorsement requirements;

Facilitating completion of the Action Plan items in order to achieve endorsement by the State Planning Commission and enjoy the benefits available to the municipality as a result of the endorsed plan.

THEREFORE BE IT FURTHER RESOLVED that the Clerk of the Borough of Flemington shall transmit a copy of this resolution and the notice as required in the State Planning Rules to the State Planning Commission.

Adopted: November 28, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

STATE OF NEW JERSEY
DEPARTMENT OF STATE
STATE PLANNING COMMISSION
OFFICE OF PLANNING ADVOCACY



STATE OF NEW JERSEY
DEPARTMENT OF STATE
New Jersey Business Action Center- Office for Planning Advocacy

MUNICIPAL
PLAN ENDORSEMENT
GUIDELINES

Adopted October 17, 2007
Revised February 2010, October 2020

For additional information, please contact:

Department of State
Office of Planning Advocacy
33 West State Street
P.O. Box 820
Trenton, NJ 08625-0820

Phone: 609-292-7156

Fax: 609-292-3292

Email:

OPAmail@sos.nj.gov

Website:

<https://www.nj.gov/state/planning/>

The State Planning Commission would like to recognize the efforts of the staff of the Office for Planning Advocacy and the state agency partners in putting together these Guidelines. The Commission would also like to acknowledge the invaluable assistance provided by interested parties.

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Part I. Introduction

Municipal Plan Endorsement is a voluntary review process designed to ensure the coordination of State, county and municipal planning efforts in achieving the goals and policies of the State Planning Act (Act). The State Development and Redevelopment Plan (State Plan) is the blueprint for achieving these goals and provides the template for coordination. The endorsement process expands upon the requirements of the Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-1 et seq) and incorporates many planning initiatives of the State agencies. It is through Plan Endorsement that local, county and State governments may work together to develop coordinated capital investment and planning implementation mechanisms that are consistent with the State Plan and with each other. Completion of the Plan Endorsement requirements makes the petitioner eligible for a host of benefits provided by State agencies.

The State Planning Commission (SPC) updated the Guidelines for Plan Endorsement in 2007 to create a more cooperative, predictable and useful process. The focus of Plan Endorsement is on where and how new development and redevelopment can be accommodated in accordance with the goals of the Act. These Guidelines take a capacity-based planning approach to plan for a sustainable future. They seek to encourage development in locations that have the resources to accommodate long-term growth utilizing existing or anticipated public services and facilities. They seek to discourage development where it may, directly or indirectly, impair or destroy significant natural, historic, or agricultural resources, or conflict with the planning of neighboring municipalities and/or the region. The Guidelines also emphasize the importance of public participation throughout the process. In a state where land use controls are a local responsibility while infrastructure funding and regulatory programs are managed at regional and State levels of government, nothing is more critical than coordination, public support and understanding. Involving the public in the Plan Endorsement process is essential to its success.

In 2020, the Guidelines were updated to address increased State focus on Environmental Justice and Social Equity, and compliance with Executive Order 89, that 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. These Guidelines set out the standard by which a municipal petition will be reviewed and evaluated for consistency with the State Plan. They focus on creating a plan and implementation strategy appropriate to the individual circumstances of each municipality.

The Guidelines provide a user-friendly process that can be readily applied in all types and sizes of municipalities and offer a unique opportunity to receive coordinated technical support from participating State agencies. In addition to the Office of Planning Advocacy (OPA), the State agencies committed to the process include: the State Departments of Agriculture (NJDA), Transportation (DOT), Environmental Protection (DEP), and Community Affairs (DCA), as well as agencies, authorities, and programs such as Business Action Center(BAC), the Economic Development Authority (EDA), State Agriculture Development Committee (SADC), NJ Infrastructure Bank (NJIB), Office of Green Acres, State Historic Preservation Office (SHPO), Housing and Mortgage Finance Agency (HMFA), Council on Affordable Housing (COAH), New Jersey Transit (NJ Transit), Board of Public Utilities (BPU), New Jersey Historic Trust (NJHT), Pinelands Commission, New Jersey Sports And Exposition Authority (NJSEA) (formerly Meadowlands Commission), and the Highlands Water Protection and Planning Council ("Highlands Council"). Additional State agencies are available to assist with the Endorsement process as appropriate.

Upon endorsement of a municipal plan, the municipality is entitled to financial and technical incentives that will assist in making its endorsed plan a reality. These incentives are based on the endorsed plan and may include enhanced scoring for grant funding, low-interest loans, tax credits, prioritized technical assistance, and coordinated regulatory review among the State agencies. The State Planning Commission and the Office of Planning Advocacy continue to work with the State agencies to identify additional incentives for municipalities to complete the process. All benefits municipalities may be entitled to, are subject to available funding, rules and regulations as they exist at a given time.

Most steps in the Plan Endorsement process involve the submission of multiple items to the Office of Planning Advocacy. A checklist of items required at each step is available at:
<https://nj.gov/state/planning/assets/docs/pe-docs/pre-doc-pa-checklist.pdf>.

Part II. Plan Endorsement Process

Process Outline

Listed below are the 10 steps in the Plan Endorsement process. The state has specified timeframes within which it must respond to submissions by the petitioner. All timeframes are calculated in calendar days. These timeframes as well as the public participation forums built into the process are highlighted in **bold**.

No.	Action	Timetable
Step 1: Prepetition		
a	Petitioner submits letter from Mayor requesting pre-petition meeting along with existing planning documents and a list of same.	Variable
b	OPA and State agencies review documents on preliminary basis. OPA and agencies conduct pre-petition meeting with at least one elected official from the municipality present.	Meeting scheduled within 30 days of submission.
Step 2: Plan Endorsement Citizens' Advisory Committee*		
a	Mayor appoints Advisory Committee by resolution at a public meeting of the governing body** .	Variable
Step 3: Municipal Self-Assessment*		
a	Petitioner conducts self-assessment and produces a Municipal Self-Assessment Report including any requests for waivers pursuant to N.J.A.C. 5:85-7.6(a).	Due within one year of pre-petition meeting. See N.J.A.C. 5:85-7.7(d).
b	Petitioner presents findings and conclusions of self assessment at a public meeting of the governing body** and adopts a resolution to pursue Plan Endorsement.	Variable
Step 4: State Opportunities & Constraints Assessment		
a	OPA, DEP, DOT, NJ Transit, and NJDA conduct opportunities and constraints analyses. OPA produces an Opportunities and Constraints Report for consideration by petitioner during visioning.	Report produced within 45 days of receipt of submission requirements for step 3.
Step 5: Community Visioning*		
a	Petitioner conducts community visioning, adopts Vision Statement, and submits it to OPA. Visioning must include at least two facilitated workshops and at least two public hearings (one before the planning board and one before the governing body**). OPA will work with the town and/or consultant on the structure of the community visioning process.	Variable
Step 6: Consistency Review***		
a	OPA provides public notice of commencement of consistency review of petition with State Plan and provides interested parties an opportunity to request that OPA conduct a public hearing .	Public may request a public hearing within 10 days of OPA posting notice.

Step 6: Consistency Review***, continued		
b	State agencies conduct consistency review. OPA develops draft MOU and Action Plan, in consultation with municipality, if inconsistencies exist. Action Plan outlines the necessary steps for petitioner to achieve Plan Endorsement, assistance from State agencies, and the benefits available to the municipality upon endorsement.	Consistency review concludes within 90 days of receipt of submission requirements. If petition is inconsistent, Action Plan and MOU provided to petitioner within this period. If found consistent, Recommendation Report is prepared within 60 days of conclusion of consistency review.***
Step 7: Action Plan Implementation		
a	SPC considers draft MOU and Action Plan.	Consideration via public hearing at earliest feasible time, preferably next regularly-scheduled SPC meeting with at least 10 days' notice.
b	Petitioner conducts one public hearing** before the Planning Board for recommendation, and one public hearing** before the governing body to authorize execution of MOU and commitment to Action Plan by resolution. Action Plan and MOU may be considered at one joint public hearing** of the two entities.	Resolution passed within 60 days of notice of SPC approval of MOU and Action Plan.
c	OPA issues Certificate of Eligibility.	Issuance within 10 days of receipt of signed MOU and resolution from petitioner.
d	Petitioner works with state, county and regional agencies to complete Action Plan.	Variable, depending on agreed-upon Action Plan timetable.
Step 8: Recommendation Report and Draft Planning & Implementation Agreement (PIA)		
a	OPA produces recommendation report and finalizes a draft PIA with petitioner.	Report produced within 60 days of completion of Action Plan.
Step 9: State Planning Commission Endorsement		
a	OPA presents Recommendation Report and draft PIA to the Plan Implementation Committee (PIC) of SPC at a public hearing .	Consideration by PIC within 45 days of receipt of Recommendation Report. PIC makes a recommendation on petition to SPC.
b	SPC considers petition, Recommendation Report, PIA and proposed mapping changes at public hearing .	SPC considers petition at a public hearing within 45 days of receipt of PIC recommendation.
Step 10: Monitoring and Benefits		
a	Municipality, State and regional agencies (as applicable) follow through on PIA including delivery of benefits to municipality.	Endorsement lasts 10 years.

*The Executive Director, in consultation with relevant State agencies, may waive Step 2, 3 and/or 5, if a petitioner has met the requirements. The SPC, in consultation with relevant State agencies, may waive any other requirement if the goals of comprehensive planning are being met using alternative means from those outlined in the State Planning Rules and Plan Endorsement Guidelines. See N.J.A.C. 5:85-7.6.

**For public meetings and hearings, petitioner submits proof of notice in the form of affidavit of publication, meeting minutes, summary of public comments and a copy of a certified resolution. Both public meetings and hearings must satisfy the requirements of the State Planning Rules and be consistent with the Open Public Meetings Act, N.J.S.A. 10:4-6.

***OPA may move the petition directly to Step 8 if the review shows that the petition is consistent with the State Plan. In such a case, OPA will produce the recommendation report in place of the draft MOU and Action Plan.

Step 1: Prepetition

The primary purpose of the prepetition step is to introduce the municipality to State agency partners and to introduce Plan Endorsement to the municipality. During this step, the municipality submits its existing planning documents for preliminary review and meets with State agency representatives at a prepetition meeting. It also gives the petitioner the opportunity to indicate desired outcomes of the Plan Endorsement process.

Submission of Letter and Planning Documents

The Mayor shall submit a letter to OPA requesting a prepetition meeting. The letter requesting a prepetition meeting shall be accompanied by the petitioner's existing planning documents and a list of same. The letter should include a statement of goals and intent in pursuing Plan Endorsement. At the prepetition stage, a municipality **is not required to create new planning documents, only to submit current or draft plans to the extent they exist, including:**

Master Plan and Related Support Documents

- Most recent adopted Master Plan and any draft elements currently being considered
- Master Plan Reexamination Report(s)
- Official Map pursuant to N.J.S.A. 55D-32
- Land use map
- Zoning map and zoning schedule
- Zoning ordinance and other land development standards
- Circulation Elements and/or Transportation Plans
- Conservation Plan and Natural Resource Inventory (NRI)
- Open Space and Recreation Plan and Recreation and Open Space Inventory (ROSI)
- Housing & Fair Share Plan
- Redevelopment Plan(s) and/or Rehabilitation Plan(s) adopted pursuant to the Local Redevelopment and Housing Law (LRHL)
- Farmland Preservation/Agricultural Retention Plan

Other Planning Related Documents

- Resource protection ordinances
- Inventory of pending major subdivision and site plan applications
- Inventory of approved major subdivision and site plan projects for the past 5 years
- Board of Adjustment reports for each of the past 5 years pursuant to NJSA 40:55D-70.1
- Annual reports of the Board of Health and Environmental Commission for the past 5 years
- Any enforcement actions taken by the NJ DEP
- Any other developed or adopted planning documents or ordinances (e.g. stormwater management plan and annual stormwater permit report, wastewater management plan, capital improvement plan, transportation plans/studies, climate mitigation or resilience plan).

A Plan Endorsement Checklist, including a complete list of items to be submitted during each step, is available at: <https://nj.gov/state/planning/assets/docs/pe-docs/pre-doc-pa-checklist.pdf>.

Document Format Requirements

All petition documents shall be submitted in electronic format. This makes it easier to distribute documents among agencies and make them available to the public. Electronic documents should be in open, readily accessible formats, such as a Portable Document File (PDF) or in their original formats (e.g. Word). OPA strongly encourages municipalities to make it standard practice when using a consultant to obtain both original and PDF formats of planning documents in addition to hard copies. It is also requested that municipalities submit the digital zoning map and parcel map (if available) in a form compatible with Environmental Research Institute Arc Map software such as a Shape file.

Prepetition Meeting

Within 30 days of receiving the letter requesting a prepetition meeting (and submitting the community's existing planning documents), OPA shall schedule a prepetition meeting with the petitioner and relevant State and regional agencies. In addition, county representatives are invited to attend.

During the prepetition meeting, OPA shall explain the goals, requirements, opportunities and benefits of Plan Endorsement and answer questions that the petitioner may have about the process. OPA will provide the petitioner with tools and educational materials to assist in achieving Plan Endorsement, as well as contact information for State agency representatives who will be working with the municipality throughout the Plan Endorsement process. OPA and State agencies will also discuss any preliminary concerns with the municipality's planning team. The petitioner should be prepared to discuss municipal planning goals and objectives and what it seeks to achieve through Plan Endorsement.

Waiver

The requirements for the appointment of an advisory committee, the completion of a municipal self-assessment, and/or the undertaking of a visioning process may be waived at the discretion of the Executive Director in consultation with the relevant State agencies, if petitioner has satisfactorily completed the requirement or has substantially complied with the intent of that requirement. The Executive Director shall advise the SPC of any such waiver(s) at the next regularly scheduled SPC meeting following the decision.

Any other requirement of Plan Endorsement may also be waived by the SPC, at its discretion, based on a written request by petitioner and a written recommendation by the Executive Director, made in consultation with the relevant State agencies. The SPC may approve the waiver if it determines that comprehensive planning has been satisfactorily achieved using alternative means, or if a requirement is determined to be inappropriate or unnecessary to achieve intended comprehensive planning goals, based on a petitioner's unique circumstances.

Step 2: Plan Endorsement Advisory Committee

The petitioning municipality shall appoint a Plan Endorsement Advisory Committee to guide the Plan Endorsement process and serve as a liaison between the petitioner and the OPA throughout the Plan Endorsement process. The Advisory Committee also acts to increase public awareness of, and involvement by the general public in the process, to ensure maximum participation by the community in planning its future.

A primary purpose of the Advisory Committee is to gain a broad understanding of the needs, desires and intentions of the community with regard to land use, while also having the benefit of some planning expertise. For this reason, members of the public-at-large as well as members of the municipal planning board are included. A representative of the governing body is included to assure the governing body is

aware of the issues being raised and to provide support from the community leadership in the efforts of the committee. The Mayor may serve on the Committee in his/her capacity as a member of the governing body. It is important to ensure that committee membership is representative of the whole of the community, serving without bias toward any one or more interest groups.

At a public meeting, the Mayor shall appoint the Advisory Committee with the advice and consent of the governing body by resolution. A model resolution is available on the Office of Planning Advocacy's official website at: <https://www.nj.gov/state/planning/assets/docs/pe-docs/pe-doc-sample-advisory-committee-resolution-2007-1017.pdf>. The Advisory Committee shall consist of between 5 and 10 people including:

- at least one representative of the governing body, of which the Mayor is considered a member for this purpose
- at least one Class IV¹ member of the planning board
- at least one member of another local board, commission or committee (such as a representative from: the zoning board of adjustment, the Board of Education, the Chamber of Commerce, the Environmental and Historic Preservation Commissions, the Green Team, or the Agricultural Advisory Committee)
- at least two members of the public, who reside within the jurisdiction of the petitioner, and represent diverse interests, such as social, economic, housing, environmental, or agricultural interests. The public members may not hold an elected position or hold an appointment in or be employed by the municipality. Priority should be given to inclusion of underrepresented and vulnerable community residents
- a representative from the respective county planning department is also encouraged.

If a municipality has an appointed a Green Team, it could serve as the Advisory Committee. Additional community representatives as identified in the criteria above should be added to the Green Team for the purposes of Plan Endorsement if necessary.

In addition to contributing individual insights and preferences, the five appointed members specified above also serve to provide necessary experience on relevant issues within their area of expertise. The governing body member can and should contribute insight into concerns and limitations relating to the governance of the community. The planning board member brings technical expertise on the master plan and land use ordinances. The additional local board member brings expertise on the particular board on which it serves. The public members should lend a broader and diverse perspective, and can represent the interests of the community-at-large, independent from any obligations or restraints (real or perceived) of the elected or appointed members. The additional members (up to five) should be appointed to round out the background and experience of the others. Accordingly, it is preferred that there be no more than one member of any of the entities represented on the Advisory Committee.

The Advisory Committee should lead the preparation of the Plan Endorsement petition, attending meetings, and conducting the self-assessment and community visioning. Copies of all materials submitted to OPA should first be vetted through the Advisory Committee. All municipal professional and appointed officials should be at the disposal of the Advisory Committee to assist in the endorsement process. The Committee shall act as liaison with the state, county, regional agencies and local officials throughout the process to ensure open and clear dialogue. The Advisory Committee will be responsible for reporting recommendations to the local planning board for its review. Other important responsibilities of the

¹ The class IV member holds no other municipal office, position or employment, except when it serves on a 9 member (consolidated) board, in which case it is possible for a class IV member to be considered as also serving on the zoning board of adjustment or may serve also on a historic preservation commission. If possible, it is preferred that the class IV member not hold multiple appointed positions.

Committee will include negotiating an Action Plan with OPA, facilitating completion of Action Plan items, and eventually, providing the governing body with submissions to be provided to OPA for endorsement by the SPC. All appointments to the Advisory Committee shall be in accordance with the municipality's Ethics Code (if any) and the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.), and shall be made so as to avoid the appearance of impropriety. Appointments are to be made at public meeting by the governing body. See N.J.A.C. 5:85-7.8(a).

¹ The class IV member holds no other municipal office, position or employment, except when it serves on a 9-member (consolidated) board, in which case it is possible for a class IV member to be considered as also serving on the zoning board of adjustment or may serve also on a historic preservation commission. If possible, it is preferred that the class IV member not hold multiple appointed positions

Step 3: Municipal Self-Assessment Report

The Municipal Self-Assessment Report (MSA) is the means by which the municipality reviews its existing and future conditions. It identifies demographic trends, inventories natural and community resources, and assesses the consistency of current planning and zoning documents with the State Plan. For coastal communities, this inventory should include an assessment of waterways, dredging needs, and dredged material management opportunities including upland and beneficial uses related to coastal resiliency. The MSA provides status and trends as to key municipal characteristics such as population, housing (including status of affordable housing), economy, transportation, water and sewer infrastructure, and natural, cultural and recreational resources. Specific submissions, if known, should include data on the square footage of commercial properties, number of households and acreage of vacant lands per the municipal tax assessment. By identifying existing conditions, the community can better understand its assets and challenges to inform its community visioning process.

In addition, the MSA should include:

- A statement addressing the level of consistency between municipal and county plans.
- Any requests for waivers of Plan Endorsement requirements, which must be accompanied by justification for same. (See N.J.A.C. 5:85-7.6 for waiver requirements.)
- Any proposed changes to the State Plan Policy Map, providing justification for same; for example, describing how those changes support both local and State objectives.
- A description of proposed future planning activities.
- A statement as to the benefits the municipality seeks and anticipates from Plan Endorsement.

For municipalities with designated centers and/or endorsed plans, a copy of all monitoring reports created pursuant to the State Planning Rules.

A template for this Report has been developed to complement these Guidelines and provide further guidance on preparing the Report for State agency review to determine consistency with the goals, policies and strategies of the State Plan. The template may be completed by the Advisory Committee or a planner employed by the municipality. If prepared by a planner, the contents of the Report should be reviewed by the Advisory Committee prior to release to the Office of Planning Advocacy. The Report template is available at: https://www.nj.gov/state/planning/assets/docs/pe-docs/municipal_self_asses_guidelines-2020-03.pdf.

The MSA should also include the following information. These items should be in a digital form compatible with Environmental Research Institute Arc Map software such as a shape file:

- Parcel or other pertinent mapping (to the extent that these files exist) to ensure accurate mapping of proposed centers and other features.
- A zoning map (as a GIS shape file) accompanied by a zoning schedule for use in the Opportunities & Constraints Assessment.
- Important community assets for NJDEP climate vulnerability assessment

If the requested digital format is not available, please provide a high-resolution scanned copy and consult with the OPA planner on specifications regarding the format and resolution of the map submission.

Resolution to Pursue Plan Endorsement

Once the Municipal Self-Assessment Report is complete, the Advisory Committee shall present the Report to the governing body at a public meeting. The governing body shall consider the Report and adopt a resolution to pursue Plan Endorsement and submit the Report and accompanying documentation to OPA. (See N.J.A.C. 5:85-7.9.) A Draft Resolution for adopting the report and authorizing pursuit of Plan Endorsement is available at: <https://www.nj.gov/state/planning/assets/docs/pe-docs/pe-doc-sample-self-assessment-resolution.pdf>.

Step 4: State Opportunities & Constraints Assessment

Within 45 days of the municipality's satisfaction of submission requirements for the Municipal Self-Assessment Report, OPA and State agencies will assess local opportunities and constraints with regard to development, infrastructure, natural resources and climate change. The review will compare the Municipal Self-Assessment Report with the most up-to-date regional and statewide data to determine whether trend growth is sustainable based on the resources and infrastructure available in the municipality, region and State. The analysis includes:

1. Trends analysis of growth and development (OPA)
2. Transportation opportunities and constraints assessment (DOT, NJ TRANSIT)
3. Wastewater and water supply capacity analysis (DEP)
4. Environmental constraints review (DEP)
5. Assessment of additional potential impacts on natural, historic and cultural resources (DEP)
6. Assessment of climate change mitigation and vulnerability (DEP)
7. Assessment of farmland preservation and agricultural retention opportunities (NJDA)
8. Assessment of community preparedness (NJ OEM)
9. Assessment of health utilizing County Health Improvement Plans and other data (DOH)
10. Assessment of economic opportunities (EDA)
11. Assessment of opportunities to advance the State Energy Master Plan (BPU)
12. Environmental Justice & Social Equity Assessment (DCA, DEP)

The trends analysis is used to predict what the community will look like in the future if build out of the municipality happens with the current zoning in place. The purpose of the activity is to illustrate to the municipality and its development potential based on existing development regulations and any land constraints imposed by existing development and regulated or preserved natural and cultural resources.

The Department of Environmental Protection will review water and wastewater capacity based on current plans and permits. DEP will also evaluate environmental constraints and other potential natural, historic and cultural resource impacts of the current planned development pattern. Vulnerability to climate

change impacts will be a consideration applied to all these systems. DEP will additionally provide a vulnerability assessment of state and regional assets in the petitioning municipality to the impacts of climate change. Assessment and recommendations will be made on community climate change mitigation.

The Department of Agriculture will provide a county and municipal profile that describes existing farmland (preserved and non-preserved) and current agricultural activities for municipalities with significant agriculture (more than 5% of its land base).

The Department of Transportation will provide information on access code classification levels and congestion management system data for any state highways that traverse the municipality, as well as any major capital projects, open grants, corridor studies, and any other significant issues as they pertain to transportation including goods movement and park-and-ride facilities owned or leased by the Department.

NJ TRANSIT will review the level of public transportation using NJ Land Use & Transit Application, which is available at: [NJLUTRANS.org](https://njlutrans.org/). This is a mapping tool that was created in partnership with Rutgers that shows the available modes of transit, level of service, commuting patterns, demographics, along with several other layers that provide the municipality with a statistical indicator for understanding the relationship between land use configuration and the appropriate future level of public transportation services, such as bus, light rail and commuter rail. The NJ Land Use & Transit Application is a planning tool for municipalities to understand the relationship between transit and land use in their communities. The planning tool should be used as part of the community's overall planning effort and be viewed in light of local conditions, trends and plans. The information provided by NJ TRANSIT is offered as a baseline indicator to inform the visioning process, the next step in Plan Endorsement. For more information please refer to: <https://njlutrans.org/>. The information provided by NJ Transit is by no means a guarantee for future NJ Transit service or changes to existing services.

As part of the Opportunities and Constraints Assessment, the Office of Planning Advocacy may schedule a site visit to the municipality to better understand the dynamics of the community, and to enable OPA and the agencies to visualize the community's attributes and challenges based on personal knowledge.

The assessment is provided to the petitioner in a written Opportunities and Constraints Report to serve as a reference to inform the visioning sessions in conjunction with the Municipal Self-Assessment Report.

Step 5: Community Visioning

To achieve Plan Endorsement, a petitioning municipality must have undergone a community visioning process resulting in the adoption of a Vision Statement. The petitioner, with the Advisory Committee taking the lead, undertakes visioning prior to the State agency consistency review. Upon approval of the Vision Statement, the petitioner shall submit the resolution and Vision Statement to OPA pursuant to the State Planning Rules.

Visioning is a process by which a community envisions the future it wants, and plans how to achieve it.² The process shall engage the public in many ways through a variety of tools. Tools include surveys, mapping exercises, focus groups, public forums, workshops, tours, press releases, newsletters, public displays, webpage, email distribution, and special events. See N.J.A.C. 5:85-7.11(a) for specific requirements regarding public noticing for visioning workshops. Each tool is designed to gain public consensus regarding the community's future. A well-planned and organized visioning process will ensure

² Steven C. Ames, Oregon Visions Project: **A Guide to Community Visioning: Hands-On Information for Local Communities**., APA Planners Press, 1993.

that municipal master planning and development decisions are understood and supported by the community as a whole.

Approaches to visioning are varied, and should be tailored to the individual community and its circumstances. It is vitally important that the municipality take efforts to engage socially vulnerable populations who have historically been underrepresented in these processes. Visioning is most effective when the municipality employs techniques for reaching the greatest number of residents, consistent with the town's demographics, accurately representing their views of the future, and bringing it all together in a formal Vision Statement with clearly articulated goals and objectives. The Advisory Committee shall engage the community through different interactive technologies and media, including online means, virtual meeting access, and posting of all workshops and hearings on the municipal website. The timeframe for visioning can range from one to six months or longer, depending on the nature of the issues facing the community. OPA has prepared a guidance document on community visioning standards which is posted on its website at:

<https://www.nj.gov/state/planning/assets/docs/pe-docs/pe-doc-community-visioning-standards.pdf>.

(See also See N.J.A.C. 5:85-7.11(a).) The Advisory Committee should conduct as many meetings as necessary and appropriate to arrive at the final vision. However, at a minimum, the Committee shall hold at least two facilitated workshops and two public hearings. OPA and relevant State agencies will work closely with the petitioner to help facilitate a successful visioning process. Additional guidance may be requested from OPA.

The Municipal Self-Assessment Report and the Opportunities & Constraints Report should guide the visioning process, providing the reality check needed to create a sustainable vision. The Vision Statement, goals and objectives, shall be consistent with the State Plan, and should guide the municipality's planning, not just for the short term, but with a minimum 20-year planning horizon that forecasts the local conditions at the conclusion of that period. The Vision Statement should be incorporated into the next master plan update and be used to inform implementation strategies. Longer term (2050, 2070 and 2100) visions should be considered to address the increasing threats of climate change overtime.

Materials used to perform the visioning shall be compiled, preferably by the Advisory Committee, into a summary report that indicates actions taken to satisfy visioning requirements. Once the Vision Statement has been prepared, the Report and Vision Statement shall be presented to the governing body at a public hearing. Preferably, the presentation is made by the Advisory Committee. The governing body should then consider a resolution to approve the Vision Statement and submit it to OPA. A Draft Resolution for adopting the Vision Statement may be requested from OPA.

Completion of steps 1-3 and 5, or approved waivers for same, initiates the consistency review. (See N.J.A.C. 5:85-7.12.) Petitioners are encouraged to adopt the Vision Statement into the master plan during this step, but may also do so later in the Plan Endorsement process.

Step 6: Consistency Review

State Agency Review

Within 90 days of receipt of the required submissions, the State agencies will compare the Petition with the State Plan goals, policies and strategies for consistency. If the petition is deemed inconsistent, OPA will draft an Action Plan and MOU incorporating feedback from the various State agencies and considering the requests of the municipality. The Action Plan outlines the steps required to get endorsed by the SPC. The Action Plan and MOU outline the steps petitioner needs to take to bring local plans into consistency with the State Plan applying the standards for plans and ordinances defined in the "Standards" section of these Guidelines (see Part III Plan Endorsement Consistency Standards). See also N.J.A.C. 5:85-7.13(d) regarding

items necessary for a petition to be found consistent. The Action Plan shall also provide the timelines within which to complete the actions, the assistance to be provided by the individual State agencies, and the benefits available upon endorsement.

Where a municipality has all the required documents up-to-date and consistent with the State Plan, OPA will move the petition directly to Step 8 and produce a recommendation report for the SPC in place of the draft MOU and Action Plan.

Request for Public Hearing

OPA shall provide notice to the public that the consistency review has begun. A public hearing may be held during the review period to receive testimony on the petition either upon the receipt of 10 written requests or at the discretion of the Executive Director. Any such hearing will be held in the locality of interest prior to the conclusion of the 90-day state agency review period. See N.J.A.C. 5:857.13(e).

Development and Execution of Action Plan and MOU

The Action Plan is the means by which the State takes a coordinated approach to help petitioners address the Plan Endorsement requirements. The Action Plan requirements and benefits will be tailored to the characteristics of the individual municipality, and its timetable developed in consultation with the petitioner to make it feasible based on local schedules and resources. If a petitioner is considering designations for growth areas pursuant to other State laws and programs (e.g. CAFRA centers, areas in need of redevelopment, Transfer of Development Rights (TDR) sending and receiving areas), the State agencies' review will also take into account those program requirements as OPA develops the Action Plan. The Action Plan will also incorporate any steps necessary to achieve the specific benefits sought by the petitioner, as appropriate. The substance and timetable of the Action Plan will vary based on the level of consistency of existing plans.

The municipality will have the potential for the SPC to designate an interim center as an action plan item. The provisions for designation will be built into the Action Plan and will be based on discussions with State agencies regarding appropriate boundaries. Interim centers shall remain designated for two years provided the petitioner continues making progress in following the Action Plan, and may be revoked by the SPC in the event petitioner fails to satisfy Action Plan deadlines. See N.J.A.C. 5:857.15(b).

The Action Plan and MOU must be approved by the SPC before the petitioner can authorize adoption. The SPC considers the MOU and attached draft Action Plan at a SPC hearing.

Within 60 days of the SPC's execution of the MOU, the MOU and attached Action Plan shall be presented to both the planning board and the governing body of the municipality at one or more public hearings. (See N.J.A.C. 5:85-7.15(a)2.) The public hearing before the planning board is required to ensure that the local public body authorized to adopt and update the master plan understands the actions that the municipality agrees to take to bring the planning documents up to date and into consistency with the State Plan. The petitioner officially executes the Action Plan and MOU by resolution at a hearing before the governing body. The petitioner may hold a joint public hearing for simultaneous consideration by the planning board and governing body. Upon adoption, the petitioner submits the resolution and signed MOU and Action Plan to OPA. A Draft Resolution for authorizing execution of the MOU and Action Plan is available at: www.nj.gov/state/planning/. Failure to execute the MOU within a reasonable period of time, as agreed to by the Executive Director, will result in the petition being considered withdrawn without prejudice.

Once adopted by the governing body, the Action Plan may only be amended for good cause shown at the discretion of the Executive Director, provided that the resulting plan is consistent with the State Plan. Notice of amendments to an action plan will be provided to the SPC and the public. N.J.A.C. 5:85-7.15(d).

Step 7: Action Plan Implementation

Once the proposed Action Plan is adopted by the local governing body (within 60 days of the SPC's execution of the MOU), the Executive Director shall issue a Certificate of Eligibility for Plan Endorsement. The SPC can designate an interim center once the Certificate of Eligibility is issued. The Certificate of Eligibility represents to the State a municipality's commitment to adopt and implement a plan based on available resources. With the Certificate, the petitioner shall receive direct assistance from the State agencies and OPA staff to help attain consistency with the State Plan and realize its community vision. The State agency team will also provide guidance regarding regulatory and programmatic approvals so that upon completion of the Action Plan, a municipality has prepared plans that comply with appropriate State agency programs, such as CAFRA Center designations pursuant to the Coastal Rules or demonstrated they have addressed their obligation to provide for affordable housing.

A municipality holding a Certificate is also entitled to enhanced scoring for planning grants (to the extent that the grants are supported through New Jersey's annual budget process) and may be considered for approval of certain growth area designations under other state laws and regulations, including Designation of Areas in Need of Redevelopment outside of Smart Growth Areas (if appropriate).

Please note that the Certificate does not automatically provide the municipality with approval for these specific programs or circumvent any additional requirements. Instead, approval of these growth area designations has been linked to the Plan Endorsement process so that a municipality that is identifying areas for future development and redevelopment considers the opportunities and constraints of that growth on the surrounding areas of the municipality and region.

During this stage, the petitioner will also work with OPA and the agencies to negotiate the terms of the Planning & Implementation Agreement (PIA). This is a written agreement between the SPC and the petitioner that sets forth the planning, implementation measures and benefits needed to successfully implement the petitioner's action items agreed to in their endorsement. The PIA ensures implementation of the plan is consistent with State Plan goals, policies and strategies. The PIA items will be prepared on a case-by-case basis depending on the circumstances of the individual municipality. The PIA will be adopted as part of the resolution of the SPC granting Plan Endorsement to the petitioner. The municipality's endorsement will be contingent upon fulfilling the obligations in the PIA. See N.J.A.C. 5:85-7.17 to 7.19.

Step 8: OPA Recommendation Report and Draft PIA

Upon satisfactory completion of the Action Plan, OPA will have 60 days within which to prepare a recommendation report to the SPC to endorse the petition and any accompanying PIA. See N.J.A.C. 5:85-7.18(a). If OPA has not made a recommendation to the SPC within the 60-day time period or if the petitioner disagrees with a recommendation from a subcommittee of the SPC (see below), the petitioner has the right to submit the petition directly to the SPC and its duly authorized committee. See N.J.A.C. 5:85-7.18(d).

Step 9: State Planning Commission Endorsement

The Plan Implementation Committee (PIC) is a subcommittee of the SPC authorized to review Plan Endorsement petitions. Within 45 days of receipt of the recommendation report on consistency pursuant to N.J.A.C. 5:85-7.14(a) or 7.18(a), or a direct petition pursuant to N.J.A.C. 5:85-7.14(b)3 or 7.18(d), the PIC will consider the recommendation report at a regularly-scheduled meeting, occurring no sooner than ten (10) days following the provision of public notice of same. If the PIC requires additional information from petitioner before making its determination, it may add an additional 45 days after receipt of the requested information before making a recommendation. The PIC will recommend to the SPC that the petition be: considered for approval, considered for approval with revisions, or denied.

The SPC shall consider the PIC's recommendation within 45 days of receipt [by way of a noticed public hearing to be held] during a regularly scheduled meeting of the Commission. The SPC will either affirm, revise, or reverse the PIC's recommendation based on its determination of consistency. If the SPC determines that the plan that is the subject of the petition along with any PIA, is consistent with the State Plan, it shall approve the petition and authorize execution of the PIA. If the SPC determines the plan that is the subject of the petition along with any PIA, is inconsistent with the State Plan, then it will either request that petitioner make necessary changes to address requirements to achieve consistency, or it will deny the petition. Within 30 days of the SPC's determination, the OPA Executive Director shall notify the petitioner of the decision in writing. Within 45 days of the decision a notice shall be published in the New Jersey Register. See N.J.A.C. 5:85-1.4(b).

Step 10: Monitoring and Benefits

Endorsement by the SPC marks the beginning of an ongoing partnership between the municipality and the State. As part of the PIA, State agencies will provide benefits to the municipality to help implement the endorsed plan. Benefits include prioritized technical assistance, direct state capital investment, priority for state grants and low-interest loans, and coordinated regulatory review. The benefit package will be drafted at the time of the Action Plan so that there is an understanding of what the municipality will need to do in order to be eligible to receive the State's resources, and what resources will be made available during or at the end of the process. A list of potential benefits that are available to the municipality upon endorsement is included below at Part IV Plan Endorsement Benefits. The benefits also include creation of a State agency working group dedicated to working directly with plan endorsed towns to coordinate project application reviews. The list of potential benefits may be updated from time to time to reflect additional programs that may be linked to Plan Endorsement. Municipalities are also encouraged to identify benefits and technical assistance that they would like considered by the State for inclusion in the benefits package to support their plans for the future. Any benefits a municipality may be entitled to, are subject to available funding, state agency review, and any rules and regulations as may exist at a given time.

The Office of Planning Advocacy will monitor the PIA to ensure that the municipality and other participants are meeting the PIA timelines and requirements. One year from the date of endorsement, the municipality shall submit to OPA a report regarding the progress of the PIA including the status of PIA efforts – both past due and upcoming. Biennial reports are then due every two years thereafter. The reports shall include any annual Zoning Board of Adjustment Reports (see N.J.S.A. 40:55D-70.1), any planning board reports and significant updates to other planning materials submitted as part of the petition, including zoning ordinances and other implementation measures adopted since endorsement. Reports shall state how the items reflect consistency with the State plan and terms of the PIA. See N.J.A.C. 5:85-7.22(b).

The PIA report should:

- outline any concerns or potential revisions sought for the PIA
- discuss the level and quality of assistance by State agencies and the impact on plan implementation
- identify any need to amend or update the endorsed plan, the State Plan Policy Map, or the PIA
- inventory pending major subdivision and site plan applications
- inventory major subdivision and site plan projects approved since endorsement or submission of last biannual report
- list and briefly describe all capital improvements approved or completed since endorsement or submission of last biennial report
- list capital improvements planned for the next 2-5 years

OPA will report on the endorsed municipality's progress under the PIA and forward any annual or biennial reports received to the SPC for its consideration. Discussion of issues relevant to the endorsed plan will occur at regularly scheduled SPC and PIC meetings as necessary. An example of a monitoring report is posted at: <https://www.nj.gov/state/planning/assets/docs/pe-docs/pe-doc-sample-biennial-report.pdf>.

Additionally, a municipality must consult with OPA at least thirty (30) days prior to adoption of any significant revision(s) to its endorsed plan. Any proposed revision that does not comply with the endorsed plan and PIA is subject to revocation of Plan Endorsement by the SPC. Examples of revisions that are subject to this consultation are changes to the following documents to the extent they deviate from the endorsed plan and PIA:

- Master plan
- Reexamination report(s)
- Land use ordinances or regulations that provide basis of endorsement
- Capital improvement programs
- Zoning map or zoning schedule

This consultation is to ensure that the proposed revision(s) will maintain the consistency of the endorsed plan with the State Plan (before adoption) such that the benefits from the state agencies may continue to flow to the municipality to fully implement the endorsed plan. See N.J.A.C. 5:85-7.22(c).

Additionally, within 30 days after adoption or significant revisions to the planning documents identified above, petitioner shall submit a copy of the final document(s) to OPA. The impacts of the new or significantly revised planning document shall be addressed in the next regularly scheduled annual or biennial report.

Part III. Consistency Standards

Introduction

The State Planning Commission looks for two broad levels of consistency in reviewing a Plan Endorsement petition.

First, there is **internal consistency** – consistency at the local level. The petition must demonstrate consistency between the Vision Statement, its planning documents and local ordinances. The petition provides information about how the Vision Statement and master plan are being implemented through programs and ordinances. There must also be consistency within each of these plans and programs. For example, one element of a master plan should not contradict the objectives and recommendations set out in another. If inconsistencies exist, the petitioner should explain why they exist and what is being done to address them.

Second, there is **external consistency** – consistency of the Vision Statement, plans and implementation measures in relation to:

- The State Development and Redevelopment Plan ("State Plan") State programs and initiatives (e.g., 2018 The State of Innovation: Building A Stronger & Fairer Economy in New Jersey, COAH, CAFRA, WQMP, Water Supply Master Plan, State Hazard Mitigation Plan (2019), Energy Master Plan, Climate Change Resilience Strategy (2020), Coastal Resilience Plan (2020), Stormwater Management permit requirements, and DOT corridor studies and the NJ TRANSIT 2030 Strategic Plan and/or NJ Transit 5-year Capital Plan (released June 5, 2020))
- Any relevant federal land use programs (e.g. military bases, national parks)
- Regional plans (e.g. Pinelands, Highlands, Meadowlands, MPO, watershed management or corridor plans, etc.)
- County plans and programs

The State Plan is the primary benchmark by which the SPC determines the consistency of a petition. Therefore, the petition must discuss how it supports the goals of the State Plan and the Policies, Targets and Indicators that relate to each of the goals. The petition shall also describe how local land use and zone districts (whether existing or proposed), correspond with centers and Planning Areas depicted on the State Plan Policy Map. The petition shall reference the criteria for Centers and Planning Areas in making this justification.

Consistency is also considered with respect to State agency plans and programs that further smart growth principles. The petitioner must therefore demonstrate consistency in a comprehensive fashion to fully enjoy the benefits of endorsement including the ability to obtain permits and approvals from the State and regional agencies as needed to implement the endorsed plan.

Regional agency benefits may also be available to petitioners that align plans with both the State Plan and applicable regional plans. Petitioning municipalities located in the New Jersey Highlands Region for instance, may be eligible for financial assistance in developing plan components that address consistency with the Highlands Regional Master Plan (RMP). Conformance with the Highlands RMP is an optional consideration for land areas within the Highlands "Planning Area." Those choosing full conformance are entitled to Highlands Council funding for development of all required plan elements. Those conforming only for "Preservation Area" lands receive funding for all required plan elements but may also develop RMP-consistent plan components for municipal-wide application that are eligible for Highlands Council funding. More information on Highlands conformance, Center designation, TDR programming and grant funding is available through the Highlands Council website at: <https://www.nj.gov/njhighlands/>.

Compliance with the Municipal Land Use Law (MLUL) and other relevant legislation is a necessary prerequisite for good planning at the local level. However, the MLUL requirements are minimum legal standards that alone do not guarantee good planning. The ultimate purpose of master plans and regulations is not to merely fulfill minimum legal requirements or planning standards, but to enhance the quality of life in the community. For instance, engineering standards for sidewalks, medians and crosswalks may not necessarily translate into a pedestrian-friendly environment. The true test for a pedestrian-friendly environment is whether people can safely and comfortably walk through a neighborhood; not just the presence of sidewalks of a certain width. This is why visioning and public participation is so important to developing a comprehensive plan.

Applying the State Plan to a diverse New Jersey

The State Plan recognizes that New Jersey, although relatively small, is an extremely diverse state in its people and built and natural environments. Flexibility is an important feature in the application of the State Plan's policies and mapping criteria. However, the recognition of local conditions and constraints does not mean overriding sound planning principles. For example, the rural character of an area does not justify sprawling development, and hence consideration should be given to accommodating growth in a Village or Hamlet to help preserve open space and natural resources. It may be important to optimize use of existing structures in such circumstances, via rehabilitation and reuse. Economic growth and development can also occur, and be encouraged to occur, via means other than physical development, for example through promotion of existing businesses and downtown areas, modifications to zoning ordinances to provide for more varied and/or mixed uses, and investment in tourism and/or recreation planning and programming opportunities.

As much of New Jersey is built out, many of the municipalities that will petition for Plan Endorsement are not blank slates where the State Plan could be applied in a wholesale manner. The key factor in these situations is whether a municipality has the vision, plans, programs and regulations in place for a better future. Does the planning framework exist so that the municipality can take full advantage of opportunities for revitalization and redevelopment? A vacant strip mall can be an opportunity for mixed-use redevelopment, making more efficient use of the land to relieve development pressure on open space, enhancing the pedestrian environment, and achieving environmental benefits through green design. Where a municipality is built out, the determination of its consistency for Plan Endorsement will hinge on its plans for the future.

Documents need to be up to date

All planning documents shall be up to date to adequately address the municipality's current and projected planning conditions and issues. This means that the master plan and development regulations must be reexamined within the past ten years as required by the MLUL. Zoning ordinances should be revised as necessary to address issues raised in the Zoning Board's annual report and to ensure consistency with Master Plan updates. A reexamination report will be acceptable in lieu of a full master plan only in cases where:

- The last full master plan remains up-to-date, due to limited change in the municipality; or
- There has been some change in the municipality, but the reexamination report serves as a substantive update of the master plan.

For a municipality with good comprehensive planning already in place, State agency review may show that only minor additions and amendments will be necessary in order to achieve consistency with the State Plan and other State agency programs. In other cases, more steps may be required. Therefore, where a petitioner has started or is about to begin a master planning process, they are strongly encouraged to coordinate with the Office of Planning Advocacy so that the new plan does not require further changes as a result of Plan Endorsement. Where a petitioner has not yet commenced a master

planning process, OPA will work with relevant state agencies, county and regional planning agency, to identify available resources, grants and technical assistance available to update various planning elements in support of attaining endorsement for consistency with state policies and goals.

What is actually required?

The actual requirements for each petitioner will depend on individual planning issues that exist in the municipality as well as the benefits sought by that petitioner. In preparing the Action Plan and Plan Implementation Agreement, the Office of Planning Advocacy will work with petitioner and State agencies to determine the steps required to receive endorsement. OPA, with the help of the relevant State agencies, will also supply the petitioner with specific educational material, resources and examples for each one of the requirements, in order to fully support the efforts of the petitioner to attain consistency with the State Plan. The resources will be regularly updated as new research and samples become available. All resources can be found on the SPC website at: <https://nj.gov/state/planning/state-planning-commission.shtml>. A general classification of requirements is outlined here, with later sections defining items on a document-by-document basis.

- Absolute requirements – adopted planning documents required in all cases, unless otherwise agreed to between the municipality and the State agencies (e.g. land use plan, housing plan, development ordinances).
- Conditional requirements – adopted planning documents required based on existing conditions such as rapid growth or land consumption, presence of agricultural base, significant socioeconomic needs, etc. OPA and state agency partners will make the determination as to whether certain conditions apply.
- Benefit-related requirements – planning documents required in relation to benefits sought by petitioner.
- Desired documents – generally not required but encouraged; may be part of the PIA.

Sustainability – the Foundation of Integrated Planning

All master plan elements shall be consistent with the State Plan's vision for sustainability. Sustainable planning means incorporating policies and actions into the various elements of the master plan and implementing ordinances that will meet the needs of the present generation without compromising the ability of future generations to meet their own needs. Although it is often expedient to plan for the present and near future, the State Plan's vision for New Jersey describes smart growth as sustainable growth that creates communities of enduring value.

Whether called "systems," "capacity-based," "integrated" or "holistic" planning, to plan for sustainability requires that master plan elements and other planning documents be considered in an interrelated fashion and not as independent parts. Critical areas to consider for incorporation into and as applicable, throughout all aspects of the municipal planning program should include: energy efficiency, conservation, and generation, greenhouse gas reduction, climate and flood resiliency, green design, land and water conservation, healthy regional agricultural systems, waste management, toxins reduction, environmental justice, social equity, and community-wide availability of multi-modal transportation opportunities. This holistic approach to planning helps municipalities determine which policies and practices are most appropriate and suitable to local conditions and should inform both the community Vision Statement, and compliance with MLUL (40:55D-28(b)(16)).

SUSTAINABILITY CATEGORY	ACTION/STRATEGY	<div>4.5.a</div> IMPLEMENTATION DOCUMENTS (Required unless conditional)
LAND USE	<p>Encourage infill and Brownfield redevelopment. Require green building design for municipal, commercial and residential buildings, including standards for municipal facilities and redevelopment areas.</p> <p>Adopt Green Infrastructure and Building design policy for municipal, commercial and residential buildings. Adopt a Sustainability Pledge.</p>	<p><u>Required:</u> Redevelopment plan, zoning, design guidelines. Sustainability Statement. CAFRA Consistency Statement. Buildout Analysis.</p> <p><u>Conditionally required:</u> Historic Preservation Element. Econ. Dev. Plan. Flood Control Plan. Brownfield Inventory.</p> <p><u>Recommended:</u> Green Building and Environmental Sustainability Element. G Development Checklist and Site Design Standards. Green Infrastructure Planning and Implementation. Brownfield prioritization and marketing program.</p>
NATURAL RESOURCE PROTECTION	<p>Center-based development. Growth management. Land & Water Conservation. Agricultural best management practices. Supporting regional agriculture, e.g. Farmers Markets and Community Gardens. Green infrastructure.</p> <p>Tree & Woodlands Management. Natural Resource Protection ordinances. Easement management. Establish Environmental Commission.</p>	<p><u>Required:</u> DEP Model Well-Head, Riparian and Water Conservation Protection Ordinances. Stormwater Control Plan and implementing ordinance. Open Space Recreation Plans and voter approved dedicated funding. Conservation Plan or implementing ordinances. Natural Resource Inventory.</p> <p><u>Conditionally required:</u> Registered Open Space Inventory. Farmland & Agriculture Retention/Preservation Plan. Habitat Conservation Plan. Conservation Design or Non-Contiguous Clustering. Septic Density Ordinance. Public Spaces Plan.</p> <p><u>Recommended:</u> Community Forestry Management Plan & Maintenance Program. Tree Protection and Cluster Ordinance. Environmental Assessment Ordinance. Environmental Commission Site Plan Review Ordinance. Easement Monitoring. Enhanced Stormwater Control Plan/ordinance.</p>
TRANSPORTATION	<p>Reduce auto-dependency and publicly-owned vehicle emissions: use clean alternative fuels. Establish Transit Villages/Transit-Oriented-Development. Mixed Use/Center-based development, and connectivity between neighborhoods, street, and transit systems; improving safety for pedestrians, cyclists, and motorists</p> <p>Adopt NJDOT Model Complete Streets Implementation policy.</p>	<p><u>Required:</u> Land use plan. Circulation plan. Zoning ordinances, and design guidelines.</p> <p><u>Conditionally required:</u> TOD zoning ordinance. Public Spaces Plan.</p> <p><u>Recommended:</u> Bicycle & Pedestrian Audit and outline for Bicycle-Pedestrian Plan. Municipal Fleet Inventory. TOD zoning ordinance.</p>
ENERGY	<p>Maximizing GHG Reduction, energy conservation and efficiency. Encourage and provide programs and incentives for renewable energy uses. Adopt Green Purchasing policies.</p> <p>Energy efficiency for government facilities/buildings and new construction. Municipal/county energy aggregation program. Municipal wind, solar and geothermal programs. Upgrade/retrofit light pollution and water conservation.</p> <p>Commercial/Residential Energy</p>	<p><u>Required:</u> Community Facilities Plan. Capital Improvement Program.</p> <p><u>Required:</u> GHG Reduction Action Plan. *See Energy section. Includes: Renewable energy and efficiency actions, greening the municipal fleet, local government energy audit, tracking and management, building/facility decarbonization, and measures to make your town electric vehicle friendly</p> <p><u>Conditionally required:</u> Utility Services Plan.</p> <p><u>Recommended:</u> Complete the Sustainable Jersey, Gold Star in Energy Standard</p>

WASTE MANAGEMENT	Improving local materials reductions, reuse and recycling programs.	<u>Required:</u> Recycling Statement of Consistency. Recycling Ordinance.
	Improving local materials reductions, reuse and recycling programs. Maintenance of public property	<u>Conditionally required:</u> Solid Waste Management Plan. Recycling Plan. <u>Recommended:</u> Recycling & Waste Reduction Edu. & Compliance. Commercial & institutional Recycling. Construction & Demo Waste Rec. Household Hazardous Waste. Non-Mandated Material Rec. Materials Re-Use. Pay-as-you-throw program. Green Grounds & Maintenance Policy. Model Recycled Materials and Compositing.
CLIMATE PLANNING	Climate Resilience Strategy	<u>Required:</u> Land Use, zoning and design guidelines. Community Visioning. Climate Resiliency & Hazard planning. Coastal Vulnerability Assessment.
	Emergency Management. Hazard Mitigation Climate Resiliency Strategy	<u>Recommended:</u> Climate Action Plan. Community Sustainability Plan. Community/Municipal Carbon Footprint. Community Asset Mapping. Extreme Temp. Event Plan. Heat island Assessment. Vulnerable Populations Assessment for Emergencies.
DIVERSITY & EQUITY	Environmental justice in Planning, Zoning and representation	<u>Required:</u> Environmental Justice Assessment: Assess opportunities for integrating environmental justice issues into the community master plan and land development ordinances and policies. Adoption of a Municipal EJ Action Plan.
		<u>Conditionally required/recommended:</u> Develop and implement an education and outreach program on environmental justice issues. Establish a Task Force/Advisory Committee to evaluate the adequacy of municipal planning and zoning to address environmental justice issues. Prepare an action plan. Diversity on Boards & Commissions.
PUBLIC INFO & COMMUNITY ENGAGEMENT	Improve Public Engagement in Planning and Zoning	<u>Recommended:</u> Municipal Communications Strategy. Online public service systems. Digitizing public information. Post information of high interest on the municipal website. Develop and implement an open government data portal.
	Establish Green Team	

A statement describing the extent to which the municipality's current plans address critical areas of sustainability as outlined above, should be submitted as part of the Municipal Self-Assessment Report. It should be noted that Plan Endorsement will require that a climate change resiliency element and greenhouse gas reduction action plan be incorporated into the Master Plan (as a component of the PIA if one is not already included).

The State requires municipalities to incorporate measures into its plans, ordinances and capital investments that proactively address climate resiliency and flooding; environmental justice: conserve energy, land and water resources; and reduce both greenhouse gas emissions and solid waste. The table below illustrates how various strategies for sustainability can be incorporated into master plan elements and other standard planning documents and ordinances. Many of the below strategies and implementation documents represent "Actions" that municipalities can also undertake towards certification under the Sustainable Jersey program that can found on its website at: <https://www.sustainablejersey.com/>. While many of the following actions are not required for endorsement unless otherwise noted, they are recommended here for municipal consideration.

For more information on various grants and loans available to communities interested in becoming environmentally sustainable, the NJDEP SUSTAINABILITY FUNDING & INCENTIVE GUIDE developed by the NJDEP Bureau of Sustainability, provides a collection of NJDEP Grant and Loan Opportunities available at: <https://www.nj.gov/dep/ages/docs/IncentiveGuide.pdf>

Master Plan - General Information

The MLUL authorizes municipalities to include a statement in the master plan regarding the planning objectives, principles, assumptions, policies and standards upon which it is based. See N.J.S.A. 40:55D-28(1). For purposes of Plan Endorsement, this statement should include each of the sections listed below.

Relationship between vision statement and master plan

The section should incorporate a discussion of the outcomes of the community visioning process and outline how the Vision Statement has been or will be incorporated into the master plan. The discussion should outline goals and objectives flowing from the Vision Statement based on principles of sound planning and sustainable development.

Review of changes since last master plan update or re-examination

The section should incorporate a review of significant changes, including but not limited to: zoning amendments, redevelopment plans, planning studies or projects, natural disasters, and growth. This section should also analyze how these changes affect the objectives of the master plan or the assumptions that underly it.

Current conditions: analysis of recent trends, existing conditions and needs

The section shall include socioeconomic data and analysis as well as a more qualitative assessment of existing conditions and needs with regard to both people and the environment (built and natural). Problems and deficiencies identified here must be addressed in relevant elements of the master plan.

Future conditions: growth projections, build-out analysis, capacity & sustainability analysis

The section should consider 20-year projections with regard to population, household and economic growth; land consumption; and infrastructure and resource capacity. However, plans and issues with implications beyond the 20-year projection must be considered, including but not limited to MPO Long-Range Plans (NJTPA, DVRPC, SJTPO), state agency capital plans (e.g. NJ TRANSIT), and impacts from climate change. Opportunities and constraints identified here must be addressed in relevant elements of the master plan. The Opportunities and Constraints Report provided by OPA shall serve as the basis for this analysis.

Statement of coordination

The section shall discuss how the municipality's plans and related activities are coordinated with the plans of neighboring municipalities, the county, regional planning agencies, and the State Plan, consistent with the requirements of the MLUL at N.J.S.A. 40:55D-28(d). This section should also briefly describe how the municipality's planning fits in the regional context, to be discussed in greater detail in the relevant sections.

Land Use

The Plan Endorsement submission must include all existing documents pertaining to land use, as this is one of the primary tests for consistency with the State Plan. These documents are evaluated to be sure they are internally consistent, including through the iterative process involved in land use planning (e.g., a redevelopment plan being reconciled into the next update of the land use plan). Whether it is urban redevelopment, retrofitting of suburban sprawl, or new development, the State Plan calls for growth to be concentrated in Centers, while protecting the Environs.

The center or core of a neighborhood or town should be pedestrian-friendly and composed of mixed-use buildings that provide diverse housing for residents, space for local professionals, and opportunities to shop, dine and enjoy the character of the neighborhood. Civic uses such as post offices, libraries, municipal offices, as well as parks and plazas and mass transit, should be appropriately sited within the center. These important features will not only serve as venues for civic events, but can also act as focal points, visual termini, and accessible gathering places for the community. Recognizing that centers will vary according to their regional context, further guidance for land use planning and development is outlined below.

In addition, as climate change, energy use, and environmental sustainability take on a larger role in New Jersey's policies, land use planning should promote energy efficiency, and specifically, integrate Green Building design and Greenhouse Gas (GHG) Reduction into the Land Use Plan, building codes, development, municipal operations and facilities. It should enable and promote local renewable energy generation, and make new developments solar and demand-response ready. It should likewise, holistically address social and environmental equity issues and climate change impacts and mitigation. Dense, center-based development is more efficient and climate sensitive, and creates a sense of place that results in higher social resilience.

Urban rehabilitation, infill, and redevelopment

Our developed cities and larger towns need to focus reinvestment and development into areas that are served by mass transit and possess adequate infrastructure. Upgrades to infrastructure in cities and older suburbs must be considered when planning for redevelopment. Petitioners planning for infill and redevelopment should be sensitive to the context of the existing urban fabric, including the street layout and areas or buildings in stable condition. In redevelopment, urban municipalities should use every available tool to retain, enhance, or create pedestrian-friendly environments that celebrate the inherent nature of the city, avoiding such things as large surface parking lots and incompatibly deep building setbacks. The competitive advantages of our cities and towns lie in their concentration of resources, people, land uses, transportation modes, culture and history. Land use and redevelopment planning should build on these advantages. Likewise, urban infill and redevelopment planning should meaningfully address social equity issues as part of identifying and meeting the economic, health, and transportation needs of low-income communities and residents who will be impacted by any proposed development project or plan.

Retrofitting suburban sprawl

Many suburban communities with little or no land remaining for new development are considering redevelopment and infill opportunities. The State Plan does not support the designation of a Center in this context if local planning maintains the status quo, replacing one big box store, strip mall or "towne centre" with another. Even if current opportunities are limited, the municipality should have the planning and ordinances in place that identify potential centers and provide for their proper build-out and integration into the community. With Center Designation and the State resources and assistance that accompany it,

it may be far more feasible to retrofit aging, vacant retail complexes and obsolete suburban office parks into mixed-use, pedestrian-friendly developments.

Many of the retail complexes of the past were constructed with very high parking ratios, resulting in large swaths of asphalt. In these older complexes, the parking lot rarely reaches capacity. The current trend has been to occupy some of the lot with a pad site. This is only a short-term remedy. A defunct mall should be reconstituted to provide retail services along with a mix of office, residential and specialty uses by constructing new buildings on the parking lot. Parking can be situated behind the new structures or be wrapped with retail uses on the ground floor.

New centers in suburban, rural and environmentally sensitive areas

The use of undeveloped land to accommodate growth must be carefully considered in connection with existing and planned infrastructure, natural resources, climate resilience and agriculture. Sprawl development produces negative fiscal impacts due to infrastructure extensions and improvements as well as negative impacts to existing natural and agricultural resources. Opportunities for infill development and redevelopment of existing sites and areas should be evaluated and taken advantage of before consideration is given to greenfield development. Infill and reuse of previously developed areas conserves resources, reduces stormwater run-off, optimizes investment in existing infrastructure (roadways, water/sewer lines, electric, gas, etc.), and eliminates vacancies and potentially unsightly neighborhood conditions.

Where appropriate, larger greenfield developments should occur either as a logical extension of the existing urban fabric or as a completely self-contained new town, village or hamlet where there is a mix of housing, jobs, retail and mass and micro transit opportunities. Compared to the redevelopment scenarios above, a new center of development is truly a blank slate to incorporate the range of good planning principles from green design to mixed use and public spaces in a comprehensive fashion that is balanced with other measures that adequately protect and preserve important open space and farmland outside their boundaries. Therefore, OPA will review new center proposals and additions with a much stricter application of State Plan criteria.

Land Use Plan (master plan element) – absolute requirement

In developing a land use plan, the municipality should consider various sets of data in an overlay fashion, including:

- Land Use Inventory/Map
- Natural Resource Inventory and Maps
- Community Facilities Map
- Historic Resource Inventory
- Stable versus distressed areas – opportunities for revitalization through redevelopment or rehabilitation
- Existing and preserved farmland
- Transportation network
- Airport safety and other restricted zones
- Water and Wastewater capacity
- Flood Risk or Vulnerability Assessment Maps

Such an analysis should help determine how to balance development and preservation and ensure that center-based development also means capacity-based development. In this regard, the land use plan should be linked to and complemented by other elements of the master plan.

In addition, the Land Use Plan must include a statement of strategy concerning smart growth which, in part, shall consider the potential location for the installation of electric vehicle charging stations, and storm resiliency with respect to energy supply, flood prone areas, environmental and transportation infrastructure, and environmental sustainability, consistent with the requirements of the MLUL at N.J.S.A. 40:55D-28(b)(2)(f), for any land use element adopted after the effective date of P.L.2017, c.275.

Land Use Inventory or Map – absolute requirement

The land use map should follow standard colors (e.g. green should represent parks and open space, not a developed land category).

Official Map – desired document

The MLUL permits the governing body to adopt or amend an official map of the municipality by ordinance, which shall reflect the appropriate provisions of the up-to-date master plan unless a majority of the governing body votes otherwise. See N.J.S.A. 40:55D-32. The official map is deemed conclusive with respect to the location and width of streets, public drainage ways and the location and extent of flood control basins and public areas, whether or not such streets ways, basins or areas are improved or unimproved or are in actual physical existence. Adoption of the official map is intended to provide for orderly municipal growth at the least cost to the taxpayers. It enables a municipality to limit development of lands designated or delineated for future public use (streets, parks and other municipal improvements) and shift some of the cost of public improvements to developers. The official map deserves substantial deference in land use board decision-making regarding development applications. Reviewing boards should allow for deviations from subdivision and site plan standards only when reasonably justified by the particular conditions and circumstances.

Redevelopment and/or Rehabilitation Plan(s) and Redeveloper Agreements – conditional requirement, document(s) must be submitted if they exist

Municipalities should identify and prioritize opportunities for redevelopment, infill and rehabilitation to accommodate future growth. These areas with existing improvements, infrastructure and buildings already embody the capital, labor and resources from their initial development.

For Plan Endorsement, it is expected that a petitioner with a redevelopment plan(s) pursuant to the Local Redevelopment & Housing Law use the full leveraging capabilities permitted by that law to ensure that the plan incorporates elements important to the community such as a compatible design and lay-out, attention to aesthetics in site planning, architecture and landscaping, use of green building techniques, affordable housing units, supporting public improvements and other benefits.

Zoning Ordinance, Schedule and Map – absolute requirement

To implement the land use plan, a municipality must have zoning documents in place that meet the consistency requirements of these Guidelines. Where development and growth are proposed, the zoning ordinance shall have mechanisms to promote center-based, mixed-use development. Potential tools include: Planned Unit Development (PUD), form-based codes, incentivized overlay zones for mixed use and redevelopment, and design guidelines and allowances for compact development patterns such as conservation design (on-site clustering), and non-contiguous clustering. A PUD may allow phased development for growth to occur in a more orderly fashion, with a greater integration of varying uses than could be achieved through zoning alone. See MLUL requirements at N.J.S.A. 40:55D-39(b). Overlay zoning should include density bonuses for stronger design, and achievement of other important goals such as fostering inclusionary development and development of interconnected public spaces. Redevelopment plans can be a powerful tool in applying design guidelines or form-based codes.

Single-use zoning has had the effect of producing a repetitive landscape of highway business and tract housing that is devoid of aesthetic quality and of limited functional use. Residents are forced to use their cars, even for trips of less than a quarter mile. In contrast, a neighborhood built around smart growth principles is readily accessible to all residents, due to the mixture of uses within a smaller area and a vibrant and engaging pedestrian environment.

Documents detailing recent and upcoming developments – absolute requirement

As Plan Endorsement occurs in real time and not in a vacuum, it is vital that the petitioner provide information about developments in the pipeline. Specifically, the petition shall include documents detailing recent or upcoming developments, such as:

- Inventory of pending major subdivision and site plan applications
- Inventory of approved major subdivision and site plan projects for the past 3 years
- Board of Adjustment reports prepared for each of the past 3 years pursuant to NJSA 40:55D-70.1

Housing

Housing Element (master plan element) – absolute requirement

Filing a Petition for Substantive Certification to COAH or have Round 3 Judgements of Repose and Compliance with a Court-approved Housing Plan – conditional requirement

Settlement (as applicable) – absolute requirement

The Plan Endorsement petition must include a Housing Element & Fair Share Plan that fulfills sound planning principles for housing and complies with the Mount Laurel Doctrine. The Housing Plan shall be designed to provide housing to meet present and prospective housing needs, with particular attention given to low- and moderate-income housing. Housing should respect the architectural style and character of the area in which it is located. Municipalities should strive for diversity of housing to provide for citizens of all ages, income levels and lifestyles.

Good affordable housing means more than the raw number of units. Housing should be located in pedestrian-friendly, mixed-use Centers. The intensity and mixture of uses will depend on the context: an urban downtown may contain housing and compatible uses (e.g. retail) within the same building, while a rural hamlet may have different uses that are adjacent and well-connected for pedestrian access. The concept of mixed use is not achieved if housing is adjacent to, but separated from other uses by buffer zones, wide roads, cul-de-sacs, landscaping berms, retention basins, or other obstacles for pedestrians. If residential neighborhoods outside a mixed-use core are to be included within a Center, these neighborhoods should be compact and within walkable distances of the services in the core.

The housing plan shall discuss where affordable housing is to be located. As discussed above in terms of center-based development, “affordable housing site” should not signify a large single-use tract isolated from other uses and other housing types accessibly only by means of a car. In addition, prospective housing sites should not be encumbered by environmental constraints, should not encroach on environmentally sensitive areas, and should be in areas with supporting infrastructure. Housing should be appropriate to the scale and resources of the area. If needed, regulatory changes to fulfill these objectives should be part of amendments to development regulations called for by the PIA.

In assessing the affordability and cost of housing, the municipality should also keep in mind the cost of transportation and utilities. If housing is located in an area where residents must drive significant distances or onto highways for even the most basic services or convenience retail, this effectively adds to the cost of housing. An imbalance of housing and jobs will also yield problems. For example, a ratables-based

land use strategy of retail and age-restricted housing ignores the fact that retailers need a labor pool that is not likely accommodated by local housing. These workers then have to drive in from outside the municipality, contributing to air pollution, traffic congestion and need for on-site parking. For Plan Endorsement, the state expects a far more efficient linkage of housing to jobs and infrastructure.

The housing plan shall also contain an analysis of growth projections to be consistent with other planning documents, including the Municipal Self-Assessment Report, the land use plan, the community facilities plan, and the Board of Education 5-year facilities plan.

Draft Implementing Documents/Ordinances – absolute requirement

The petitioner shall have mechanisms and incentives to help provide affordable housing in a manner consistent with good planning, smart growth principles and the character of the community. Affordable housing is to be located based on its form and intensity, in areas consistent with the State Plan. For example, large-scale projects incorporating affordable housing should be sited in areas designated for growth by the State Plan or through the Plan Endorsement process. Individual group homes and accessory apartments, on the other hand, may require no special designation, fitting well within existing residential zones or as upper-story uses over retail or office spaces in business districts. Although these Guidelines will not require a specific type of ordinance, the municipality is expected to utilize at least some of the tools in the toolbox:

- *Zoning Ordinance* – absolute requirement for which affordable housing provisions are desired
- *Development Fee Ordinance and Spending Plan* – desired document
- *Redevelopment Plan(s)* – conditional requirement (document(s) must be submitted if they exist) for which affordable housing provisions are desired

Conservation

Conservation of natural resources is important to the quality of life, and the general health, welfare and safety of the State's residents. The Plan Endorsement petition shall include the items indicated as required in the listing below, which together, identify and characterize the environmentally significant features of the municipality and set out the land use plans, policies, strategies, recommendations and regulations that the municipality employs to facilitate protection and sustainable use of those features. Plans and ordinances relevant to natural resources shall satisfy the requirements of all State environmental regulations and should incorporate a variety of environmental protection strategies as outlined in the "Implementation Ordinances" section below.

As much as possible, environmental conditions shall be reflected on the State Plan Policy Map and on local land use and zoning documents and maps. This will ensure that developers and property owners have important advance information on how to shape proposals for development of the land around them, thereby saving time, money and effort in local and State review processes while at the same time protecting these environmental features from adverse impacts.

The State does not consider large-lot zoning in and of itself as a means of preserving environmentally sensitive features. Development pressures throughout New Jersey have reached a point where such zoning leads to the fragmentation of these areas. While downzoning, or large lot zoning, reduces the number of homes that may be built, it spreads out the homes in such a way that consumes more land. The land that remains is often no longer viable as the original environmental feature. However, if coupled with other growth management techniques such as Conservation Design, Contiguous and Non-Contiguous Clustering, and Transfer of Development Rights programs, large lot zoning can, in limited

instances, be effectively employed to limit consumptive development patterns, while protecting and preserving environmentally sensitive areas, open space, and productive farmland.

Natural Resource Inventory (NRI) – absolute requirement

An NRI, also referred to as an Environmental Resource Inventory (ERI), is a document that uses narrative, maps, tables and illustrations to describe the municipality's existing natural and cultural resources including water, land, historic features, flora and fauna, and the conditions and activities that impact them, including climate change. It is a factual document that provides a basis for policy decisions related to land use. An NRI should cover, but not be limited to, the following:

- Identification of public and private lands preserved or held in conservation easements such as wildlife refuges and properties preserved through the farmland preservation program;
- Vegetative features and conditions, including habitat for threatened, endangered and priority species and forest cover;
- Wildlife including index of plant and animal species;
- Critical Environmental Sites (CES) and Historic and Cultural Sites (HCS) as identified on the State Plan Policy Map;
- Soils and geologic conditions;
- Hydrology, including all surface waters, HUC 14 watershed boundaries, areas of critical water supply concern, including Category 1 drainage areas, wellhead protection areas, Wild and Scenic River data, aquifer recharge areas, source water protection areas, and shellfish transition or buffer areas, and floodprone areas and floodplains;
- Wetlands as defined under the Freshwater Wetlands Protection Act and coastal wetlands laws; and
- Natural features such as steep slopes (including coastal bluffs), beaches and dunes.

Conservation Plan (master plan element) – absolute requirement

Based on the NRI, the conservation plan shall provide for the preservation, conservation and sustainable utilization of natural resources as outlined in the NRI, including, to the extent appropriate:

- Energy
- Open space
- Water supplies and their drainages
- Forests
- Soil
- Steep slopes
- Marshes
- Wetlands
- Coastal resources including flood prone areas, beaches and dunes
- Harbors
- Rivers, estuaries, lakes and other waters
- Fisheries
- Endangered or threatened species habitat

The conservation plan should explain how it relates to the conservation activities of adjacent towns and regional entities to better coordinate resource protection and land acquisition efforts.

Depending on the conditions within the municipality, the Conservation Plan shall also include the following sections:

Contaminated Sites and Other Hazards Inventory

DEP will provide petitioners with an inventory of sites known to emit pollution or be contaminated. Petitioners should consider such sites in community planning generally, to protect the public health and the environment, to plan for and encourage clean-up and restoration, where appropriate, and to ensure that incompatible uses are not introduced prior to site remediation or post-remediation. To address environmental justice issues specifically, petitioners must cross-apply the inventory information with demographic data to ensure that planning does not adversely or disproportionately affect overburdened communities, which means any census block group, as determined by the most recent United States Census, in which (1) at least 35 percent of the households qualify as low-income households; (2) at least 40 percent of the residents identify as minority or members of a State recognized tribal community or (3) at least 40 percent of the households have limited English proficiency.

For example, a plan that considers environmental justice issues must avoid zoning/planning that allows for the development affordable housing near sites which emit pollutants, and/or are contaminated or *potentially* contaminated. In order to remain consistent on a broad scale, municipalities must communicate when planning for either low-income developments or high-risk sites, especially those near municipal borders. To address areas identified as overburdened communities, petitioners must develop plans (preliminary, at minimum) to ameliorate existing conditions to the extent feasible, and to devise long-term solutions. State agency assistance (technical, financial, regulatory) may be required to fully build and/or effectuate such plans, but municipal planning supported by community involvement is the place to start. Whether effectuated in the short-term or phased in over some number of years, local plans must envision a future in which all residents are provided with a healthy environment in which to live, free of the impacts of harmful air, land, or water pollution.

A similar analysis should be provided with respect to flood-prone areas of the community and for areas anticipated to experience sea-level rise due to global warming and/or land subsidence, as a component of Municipal Resiliency Strategy planning (see below).

Protection Plan for Stream Corridors

This plan establishes a waterways map considering all waterways within or forming the boundary of a municipality and any State required setback, wetland transition area, riparian buffer, and the standard limits of construction disturbance for each waterway based on current information. If applicable, the plan should enable agriculture and forestry to continue in a way that protects these critical resources. In municipalities where a Total Maximum Daily Load (TMDL) Implementation Plan (IP) has been adopted to comply with TMDL limits for a local water body, the Protection Plan for Stream Corridors will be designed to support the IP in obtaining targeted standards, and designated uses (e.g., drinking, fishing, swimming). These measures typically include effluent limits for wastewater discharges, point source stormwater controls, best management practices for point sources of stormwater, and non-point sources of pollutants.

Habitat Conservation Program, for towns with significant habitat

Some communities have significant areas of State- and Federally-listed endangered or threatened species habitat. In these communities, the Conservation Element of the Master must also include a habitat conservation program. This program will likely include the adoption of appropriate environmental resource protection ordinances (as outlined in the below Implementation Ordinances section), land use

zoning requirements, and site plan/subdivision standards that collectively protect endangered or threatened species habitat. Additionally, there must be specific recognition and consideration of habitat protection in other municipal programs, for example, the prioritization of open space purchases, siting of Affordable Housing and the development of public infrastructure, including active recreation areas.

This program should also include conservation requirements and implementation measures designed to mitigate for any loss of the suitable habitat of a State and Federally-listed endangered or threatened species. Requirements and measures may include the creation, enhancement, restoration, acquisition or preservation of habitat and/or other appropriate method of compensation as accepted by the NJDEP for these purposes. It must be recognized that ecosystems do not follow political boundaries, but rather flow continuously across them. The SPC encourages development and implementation of regional habitat conservation programs. Collaboration between neighboring municipalities when planning for habitat conservation is crucial since the identification of wildlife corridors can help facilitate critical habitat conservation. A successful habitat protection program will create an ecosystem management approach that will include an integrated, multi-municipal, cooperative plan.

Coastal Consistency Plan, for towns in the CAFRA zone

Coastal consistency plans must address management and natural resource protection through demonstration of consistency of the local zoning with the goals of the Coastal Zone Management Program. The Coastal Consistency Plan should be consistent with any existing Federal River Management plan for a wild and scenic river.

Implementation Ordinances – absolute requirements unless otherwise stated

To implement the conservation plan, a municipality must adopt the following ordinances:

- Water Conservation Ordinance
- Wellhead Protection Ordinance
- Stream Corridor Protection Ordinance
- Floodplain Ordinance
- Stormwater Ordinance
- Community tree save, landscaping limits

The implementation ordinances below are conditional requirements, depending upon applicability and circumstances:

- TMDL Ordinance
- Septic Density Ordinance
- Steep Slope Ordinance
- Forest & Tree Protection Ordinance
- Habitat Protection Ordinance

The following land use concepts should be considered for incorporation into ordinances as appropriate, and may be added to the PIA if appropriate/required to address local circumstances:

- Conservation Design zoning techniques that permanently protect environmentally sensitive lands
- Contiguous and Non-Contiguous Clustering
- Transfer of Development Rights (TDR)
- Large-lot zoning where utilized in tandem with any of the above design techniques
- Overlay Zoning techniques
- Development easements acquisition
- Land acquisition (and resale with restrictions)
- Center-based development (e.g. village and hamlet)

- Open Space Preservation, Blue Acres, and Farmland Preservation programs, and advisory board

Zoning and other development regulations must be consistent with all required conservation documents. As a final note, Open Space and Farmland Preservation programs work in tandem with the Conservation Plan element. Such programs are best guided by adopted plans, voter-dedicated trust funds and advisory boards. Each of these is addressed in a different section, below.

Environmental Justice & Social Equity

All New Jersey residents, regardless of income, race, ethnicity, color, or national origin, have a right to live, work, and recreate in a clean and healthy environment. Historically, New Jersey's low-income communities and communities of color have been subject to a disproportionately high number of environmental and public health stressors, including pollution from numerous industrial, commercial, and governmental facilities located in those communities and, as a result, residents in the State's overburdened communities have suffered from increased adverse health effects including, but not limited to, asthma, cancer, elevated blood lead levels, cardiovascular disease, and developmental disorders.

The U.S. Environmental Protection Agency (EPA) defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."¹ EPA has further explained that:

"Fair treatment" means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

"Meaningful involvement" means that people have an opportunity to participate in decisions about activities that may affect their environment and/or health; the public's contribution can influence the regulatory agency's decision; community concerns will be considered in the decision-making process; and decision makers will seek out and facilitate the involvement of those potentially affected.

In addition to considerations above in the siting of affordable housing, municipalities should have in place guidance and policies that will ensure that their residents receive fair and equitable treatment in decision-making that affects their quality of life.

Municipalities should adhere to the following principles and best practices for the effective consideration of environmental justice in their programs and activities:

1. Cultivate awareness: Municipalities must seek out information to ensure awareness of how their programs or activities may have disproportionate adverse effects on overburdened communities.
2. Create and support forums for diverse voices: One of the most critical aspects of environmental justice is to ensure the meaningful involvement of overburdened communities in decision-making regarding the issues that affect their health and welfare. Municipalities must actively and carefully listen and respond to the concerns and issues that their residents raise to them.
3. Protect and assist our vulnerable communities: Municipalities should always strive to protect the public health of environmental justice neighborhoods and to assist neighborhoods in making improvements to promote a healthy living environment.

To address the challenges and take advantage of opportunities to protect and assist overburdened communities, municipalities should adopt the following best practices, based on the three basic principles enumerated above.

1. Cultivate awareness
 - a. Municipalities can utilize resources and training provided by the United States Environmental Protection Agency³ or New Jersey Department of Environmental Protection⁴ for their staff, elected officials and boards to build awareness of environmental justice issues.
 - b. Municipalities should examine their zoning, policies, programs and activities to identify potential environmental justice impacts, challenges and opportunities. The following considerations should guide this examination:
 - i. Are you aware of where the environmental justice communities are in your municipality?
 - ii. Does your municipality have programs or activities that cause environmental disturbances, such as construction or other activities that may lead to temporary or permanent pollution of air, water or soil, noise pollution or increased truck or other vehicle traffic?
 - iii. Do you have programs that could assist overburdened communities in improving public health, such as availability of healthy outdoor space and activities, access to safe, energy-efficient and affordable housing; access to low-carbon public transportation; and access to healthy food?
2. Create and support forums for diverse voices
 - a. Given the many challenges and limitations that overburdened communities face, "meaningful involvement" may not be effectively provided by solely using standard public notice and comment procedures for municipal activities. Proactive outreach to and support for these communities is essential. Municipalities should use the following best practices for proactive outreach that will empower our EJ communities and give us an opportunity to listen carefully to diverse voices:
 - i. For general outreach, designate an environmental justice liaison for the community, keep a master list of key community leaders for communications purposes, include groups or individuals representing overburdened neighborhoods in the stakeholder process before issuing proposed ordinances, zoning or policies, and respond to feedback provided by those engaged in the process.
 - ii. For project-specific outreach, conduct proactive outreach to overburdened neighborhoods for any new or expanded development or activity to provide early notice and allow for effective community input.
 - iii. For effective public notice, use accessible language, translate notices, post notices where community members are likely to see, conduct outreach to community leaders, and make information available in advance of public meetings, in an easy-to-access place and format.
3. Protect and assist vulnerable communities
 - a. First, do no harm: avoid harmful impacts and mitigate for unavoidable impacts.
 - b. Look proactively for opportunities to provide resources and support to enable overburdened communities.

Implementation – absolute requirement

Develop and Implement Municipal Action Plans

³ <https://www.epa.gov/environmentaljustice/environmental-justice-learning-center>

⁴ <https://nj.gov/dep/ej/>

- Municipalities should complete an initial assessment of the environmental justice challenges and opportunities in their programs and activities
- Using the EJ Action Plan Template provided by NJDEP, municipalities will develop a draft Municipal EJ Action Plan and make it available for public comment
- Municipalities will finalize their EJ Action Plans and post on their website
- Municipalities will provide training and resources to their staff, elected officials and boards to build awareness of environmental justice issues.
- Municipalities will designate an environmental justice liaison.
- Municipalities will develop a master contact list of groups or individuals representing environment justice in their community.

Energy

The production and consumption of energy is arguably the single biggest driver of unsustainable trends in New Jersey. We rely on a complex energy infrastructure to run our economy and provide all the necessities of life. Our energy comes from multiple sources, such as the sun, wind, nuclear, hydropower, and fossil fuels. It is delivered to us commonly as electricity, liquid fuels such as gasoline or ethanol, or as combustible gas. Energy production and consumption are the drivers of problems such as global warming and acid rain, and the need to secure new fossil fuel sources drives global competition, tension, and instability. Finding ways to supply energy cheaply and reliably without driving environmental degradation is a fundamental sustainability challenge.

Clean energy is vital for our future from both an economic development and environmental sustainability policy perspective. With this in mind, on January 27, 2020, Governor Murphy unveiled the state's Energy Master Plan, which outlines key strategies to reach the Administration's goal of 100 percent clean energy by 2050. In May 2018, Governor Murphy's Executive Order No. 28 directed the New Jersey Board of Public Utilities, in partnership with other state agencies, to develop this statewide clean energy plan and shift away from energy production that contributes to climate change.

To fulfill Governor Murphy's commitment to achieve 100 percent clean energy by 2050 and the Global Warming Response Act (GWRA) mandate of reducing state greenhouse gas emissions by 80 percent below 2006 levels, the Energy Master Plan comprehensively addresses New Jersey's energy system, including electricity generation, transportation, and buildings, and their associated greenhouse gas emissions and related air pollutants. The Energy Master Plan defines 100 percent clean energy by 2050 as 100 percent carbon-neutral electricity generation and maximum electrification of the transportation and building sectors, which are the greatest carbon emission producing sectors in the state, to meet or exceed the GWRA mandates. The Energy Master Plan is the first of a series of monumental steps to ensure that New Jersey generates, uses, and manages its energy supply in a way that is consistent with economic, climate, and societal demands.

Greenhouse Gas Reduction Action Plan – absolute requirement

New Jersey's Global Warming Response Act calls for an 80% reduction of GHG emissions from 2006 levels by the year 2050. To meet the statewide target, as mandated under the GWRA, New Jersey municipalities will have to reduce GHG emissions at a rate of 3.6% a year, and sustained for roughly the next decade. To achieve consistency with this performance standard and the New Jersey Energy Master Plan, Plan Endorsement will require that a Greenhouse Gas (GHG) Reduction Action Plan be developed (as a component of the PIA if one is not already adopted) to implement the following measures, which municipalities can also undertake towards certification under the Sustainable Jersey program's *Gold Star in Energy* "Actions" as outlined on its website where more detailed information on each of the below measures is provided at:

https://www.sustainablejersey.com/fileadmin/media/Actions_and_Certification/Gold_Star_Standard/Overview_of_Gold_Star_Standard_In_Energy_FINAL_12-4-17_.pdf.

Additionally, New Jersey's Clean Energy Program (NJCEP) offers financial incentives, programs and services for New Jersey residents, business owners and local governments to help them save energy, money and the environment at: <https://njcleanenergy.com/>.

1. **Municipal Operations & Management – GHG Reduction Strategies**

Take effective and phased steps to reduce GHG emissions from municipal operations and facilities by implementing the following measures (or OPA approved alternatives):

Renewable Energy Generation (Must do one within 1-2 years)

- a. On-Site Solar System
- b. Geothermal System
- c. Buy Electricity from a Renewable Source
- d. Community Solar project
- e. Renewable Government Energy Aggregation

Greening the Municipal Fleet (Must do a-b)

- a. Fleet Inventory - evaluate current vehicle use (1 year)
- b. Purchase Electric Vehicles to achieve 20% reduction in fuel use within 4 years (initiate within 2 years with purchases phased over time)
- c. Trip Optimization Software (recommended)
- d. Proper Vehicle Maintenance (recommended)
- e. Driver Training (recommended)

Building/Facility Decarbonization and Energy Efficiency (Mandatory)

- a. Complete a Local Government Energy Audit (LGEA) on municipal buildings and facilities (1 year). See below for additional information.
- b. Energy Tracking and Management - establish historical energy use baselines, tracking and management systems, and ongoing reporting processes. Intended to serve as an important first step in an overall sustainable energy initiative (1 year). Additional information can be found at: <https://www.sustainablejersey.com/actions/#open/action/482>
- c. Implement Energy Efficiency Measures for Facilities (2 years with other actions phased over time)

The **Local Government Energy Audit (LGEA) Program** allows local government-related entities to examine their facilities and see how they can improve their energy use. The program can help identify cost-justified energy-efficiency measures. Eligible facilities may include, but are not limited to: offices, courtrooms, town halls, police and fire stations, sanitation buildings, transportation structures, schools and community centers. The New Jersey Clean Energy Program (NJCEP) will subsidize 100% of the cost of the audit, up to an incentive cap, so there are no out of pocket expenses associated with services provided under this program. Many of the recommended energy efficiency measures will be eligible for additional incentives available through NJCEP. Additional information can be found at: <https://njcleanenergy.com/commercial-industrial/programs/local-government-energy-audit/local-government-energy-audit>

2. **Community-Wide GHG Emission: Reduction Strategies (Mandatory unless otherwise noted)**

The below measures are intended to enable increased consumer adoption of Plug-In Electric Vehicles (PEV) in NJ and help municipalities get ahead of the inevitable increasing demand for electric vehicle support infrastructure. Research indicates that most commuter PEVs will primarily be charged at home, typically during the evening hours. Municipal efforts to encourage and support residential charging

infrastructure, coupled with other actions that encourage secondary charger access and awareness can directly facilitate increased PEV use by consumers (especially commuters).

The more electrically fueled miles driven in NJ, the less in-state petroleum consumption there is. This has a direct and immediate in-state impact on air quality and greenhouse gas emissions reduction, and is especially powerful since NJ's electricity supply is relatively low carbon (compared to many other states). The transportation sector, fueled almost entirely by fossil fuels, makes up about one third of NJ's overall energy use, and approximately 40% of NJ's greenhouse gas emissions.

Municipalities are in a unique position to foster widespread PEV adoption by implementing the following measures (or OPA approved alternatives):

- a. Make Your Town Electric Vehicle (EV) Friendly (Mandatory)
 - i. Evaluate the feasibility of Installing Public Electric Vehicle Charging Infrastructure at public or commercial locations (1-2 years).
 - ii. Amend the zoning ordinances to include EV Supply Equipment (EVSE, EV charging stations) as a permitted accessory and/or conditional use in select or all districts (1-2 years).
- b. Make Your Town Electric Vehicle Friendly (Must do three)
 - iii. Update zoning ordinances to require pre-wiring for EV chargers as part of a redevelopment plan for a specific zone, or in all redevelopment areas as designated as an area in need of redevelopment or an area in need of rehabilitation (1-2 years).
 - iv. Adopt a PEV ordinance to include regulations and design standards for EVSE, EV parking spaces, and design guidelines for installation of EVSE (1-2 years).
 - v. Training for local officials and require local first responders to participate in online or in-person training and education programs related to PEVs and EVSE (1-2 years).
 - vi. Incentivize EV ready, by reducing or waiving permitting fees, and providing recognition for the business or entity that does so (2-3 years).
 - vii. Commitment from three or more local partners for workplace or multi-family chargers (2-5 years).
- c. Make Your Town Renewable Energy Friendly (Mandatory)
 - i. Adopt solar, wind and geothermal friendly ordinances (1 year).
 - ii. Streamline zoning code and permit forms and reduce or waive permit fees (1-2 years).

Transportation

Transportation, land use, and efforts to reduce GHG emissions, should be considered together in a balanced and integrated approach. In planning for transportation, the petition shall cover the whole range of modes, not just travel by automobile. Transportation planning includes vehicular traffic and parking as well as transit, bicycling and walking, goods movement and other modes such as aviation and waterborne transportation. These modes shall be coordinated with one another and with land use to maximize accessibility. For example, bus stops should be comfortably walkable from adjacent land uses. The petitioner should refer to NJDOT's Mobility & Community Form Patterns for ideas on how to balance and integrate land use and transportation into municipal planning.

Circulation Plan (master plan element) – absolute requirement

The sections below detail the various transportation modes to be considered in the circulation plan, where applicable. A multi-modal approach integrated with land use is emphasized throughout this section of the Guidelines and it is expected that the circulation plan will do the same. For any

transportation benefits sought by the petitioner, the circulation plan (and other relevant elements) must include the appropriate planning framework to justify State investment. The circulation plan must take into account the functional highway classification system of the Federal Highway Administration and the provisions of the State Highway Access Code (if municipality contains state highways).

Road Networks

A circulation plan is more than a laundry list of proposed road improvements in reaction to large development projects. The plan needs to consider roads in the context of a network, taking a proactive approach that not only anticipates but shapes development. Many municipalities are overly reliant on arterials while local streets are underutilized due to the presence of cul-de-sacs and a lack of connections between different developments. Transportation and land use need to be coordinated to mitigate traffic impacts. Development should be concentrated in Centers that contain alternative transportation modes as well as a road network. Centers are ideally located off highways, as this is the best means for these roads to serve a dual role for mobility and development. For towns with significant agriculture, movement of farm vehicles and plans for improvement to enhance movement of equipment and goods to the market should be addressed in the circulation plan.

Goods Movement – Freight & Distribution Centers

Goods movement is an essential part of both regional and local economies, especially in New Jersey. Consideration should be given to the need for designating suitable areas for freight transportation facilities, large-scale industrial warehouse development, and related traffic. With the incredible growth of e-commerce over the past decade, distribution fulfillment centers are of particular concern. Because of New Jersey's position within the Northeast freight corridor, and the anticipated long-term growth in port-related traffic, some municipalities may also be affected by regional needs for dedicated freight parking facilities, such as truck terminals and rest stops. Local governments need to be aware of the growing demands placed on their towns by truck traffic and truck-reliant land uses. While the national and global movements of freight are beyond the jurisdiction of a municipality, a more integrated approach to freight planning and land-use decision-making, offers opportunities to reduce congestion, improve air quality, and enhance operational efficiency and reduced costs to the local transportation system. Designing and signing truck routes that avoid bottleneck locations, such as weight-restricted bridges, underpasses, and narrow intersections, is one important strategy for consideration. Similarly, opportunities to utilize existing rail infrastructure for goods movement and to encourage economic investment or the potential to relocate rail facilities to support goods movement and economic investments should be identified. As the movement of goods and location of associated facilities are closely linked to state and federal highway system access and related infrastructure, the Office of Planning Advocacy will assist the petitioner in engaging and convening the appropriate agencies and MPO's in identifying technical planning assistance, grants and other resources where there is need. This can be particularly helpful where a local circulation and goods movement issue requires a more regional focus and solution, such as the creation of corridor or subarea plans to address congestion or safety issues on certain highway and rail freight corridors, regions, and/or major intermodal facilities that experience high traffic and crash volumes.

Pedestrians and Bicycling - Complete Streets

Complete Streets are streets for everyone. They are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists of all vehicle types and transit riders of all ages and abilities. Complete Streets make it easy to cross the street, walk to shops, and bicycle to work. They allow buses to run on time and make it safe for people to walk to and from train stations.

Ultimately, the solution for a pedestrian and bicycle friendly environment must be comprehensive, incorporating considerations of land use, planning and design. The network of sidewalks should connect

homes with parks, public buildings, shopping and entertainment venues. Street width, measured from façade to façade, should be considered in relation to building heights. For example, relatively narrow streets create a sense of enclosure while very wide streets surrounded by low, squat buildings tend to be less pedestrian friendly.

Complete Streets Policy – absolute requirement

Complete Streets Implementation Strategy – conditional requirement

While Circulation Plans should address a Complete Streets approach, older plans may not adequately provide for a multi-modal approach and will need to be updated. Some municipalities may also decide to develop a Bicycle-Pedestrian Plan, or in cases where a more site-specific plan is better-suited for an existing or proposed mixed use center, a Public Spaces Plan. In all cases, the adoption of a Complete Streets Policy, is considered threshold first step to receiving Plan Endorsement.

By adopting a Complete Streets policy, communities direct their transportation planners and engineers to routinely design and operate the entire right of way to enable safe access for all users, regardless of age, ability, or mode of transportation. This means that every transportation project will make the street network better and safer for drivers, transit users, pedestrians, and bicyclists—making your town a better place to live. Creating Complete Streets means transportation agencies must change their approach to community roads.

For Plan Endorsement, municipalities that have already adopted a Complete Streets Policy or addressed Complete Streets in their Circulation Plan, will be required to institute Complete Streets Implementation Strategy to be developed (as a component of the PIA if one is not already adopted). The purpose of instituting Complete Streets is to ensure that municipalities advance policy into action. The Implementation strategy should support municipalities in instituting their Complete Streets Policy through a comprehensive program of planning and training. Incorporating multimodal accommodations into the routine planning, design, maintenance, and operations of the street network requires more than just understanding and agreeing with a two-or-three-page policy that has been adopted by the governing body. For successful implementation, Complete Streets should become part of the culture and operations of the jurisdiction – the plans, procedures, and regulations that direct and guide the actions of local agencies. This includes municipal master plan elements and zoning ordinances, design guidelines, and project development and delivery procedures.

For more information on adopting a Complete Streets Policy and/or adopting Implementation Strategy, please refer to the Sustainable Jersey program at <https://www.sustainablejersey.com/>

Another excellent resource is NJDOT's, *Complete and Green Streets for All, Model Complete Streets Policy & Guide – Making New Jersey's Communities Healthy, Equitable, Green & Prosperous*.

Transit

Future development should be conscious of the area's transit potential and designed to take advantage of existing infrastructure and transit service and/or to foster demand for new service where appropriate. Where rail stations and bus hubs exist, the circulation plan shall consider transit-oriented development with the goal of bringing in more people, economic development, and a variety of housing types closer to transit service. Likewise, and as applicable, the Circulation Element shall address Transit Villages, where municipalities have, or are planning to pursue a future designation. Buildings and streetscape around transit stops need to be designed in a complementary fashion so that pedestrians do not have to dodge through traffic and traverse a large parking lot. A municipality should refer to the standards set forth in NJ

Transit's Transit-Friendly Land Use Program as guidance when considering how to successfully implement transit-oriented development.

Transit-Oriented Development (TOD)

TOD involves the concentration of development around transit stations; the most common are train stations, but they can be bus, light rail, ferry terminal or any other public transportation station. Development is typically mixed-use and dense, providing residents amenities in close proximity. The goal is to create livable and sustainable places in which people can live, work, and play all in the same community, without requiring the use of a car.

TOD can provide many benefits to communities. Because of its emphasis on dense, mixed-use development, TOD enables residents to easily walk or bike between home, work, and recreational destinations, which contributes to good health. Fewer cars also mean less pollution and noise, better air quality, and potentially, fewer accidents. The narrower streets and slower speeds associated with TOD also increase the safety of pedestrians and bicyclists. With development concentrated downtown, other land can be preserved as productive farmland or recreational open space. Attractive, community-oriented downtowns with cultural and recreational amenities encourage residents to spend money in the community and invite visitors, contributing to the community's economic vitality. Property values also tend to be highest for those nearest the transit stop.

While the elements of TOD will vary from community to community, there are some elements that are found in most projects. These include:

- Medium- to high-density housing and employment centers
- TOD projects within a half-mile from the transit stop
- Mixed-use (housing, commercial, office, retail, civic)
- Streets accessible, safe, and attractive for all users
- Street and block design at pedestrian scale
- High street connectivity
- On-street parking or parking decks, instead of surface parking

For more information please refer to: <http://www.njtod.org/>

For Plan Endorsement, NJ Transit will review the level of public transportation using the New Jersey Land Use & Transit Data Application and provide the municipality with a statistical indicator to: a) determine the appropriate future level of transit service, given a community's proposed land use plan; and b) educate communities as to the necessary residential and employment densities to support desired levels of transit service. State assistance for transit will be focused towards municipalities that take steps to coordinate service with land use and community design so that there is or will be real ridership demand. More information on the New Jersey Land Use & Transit Data Application can be found at: <https://njlutrans.org/>

Any municipality seeking restoration of rail service along an existing track must have the development regulations in place to protect the right-of-way from incompatible uses such as single-family homes that will likely generate noise complaints.

A municipality with significant age-restricted and/or special needs housing must give due consideration to the provision of paratransit (including dial-a-ride, shuttles, jitneys, shared taxis) in its circulation planning.

Where ferry or other water transportation exists, this mode shall also be part of the discussion in connection with other transit modes, parking and waterfront development. Ferry terminals should be treated in the

same way as other major transit stops when considering land use mix and intensity. Inter-modal connections and non-auto accessibility should also be priority considerations.

Parking

The separation of land uses and buildings, each with its own required parking has made for inefficient use of land and resources in many towns. One policy that can be negotiated with interested parties in an area with little available parking, is institution of shared parking spaces based on surrounding uses. For example, the peak parking demand hours of an office and a hotel are at different times during the day. These two uses could share a smaller number of spaces than they would normally require if considered separately. Likewise, adjacent surface parking lots should be connected where feasible, so that both automobiles and pedestrians may pass between them.

On-street parking should be provided throughout the community where appropriate. Along major thoroughfares, on-street parking can contribute to the overall safety of the street. The parking lane and parked cars can serve as a buffer for pedestrians from passing traffic, and narrowed lane widths cause drivers to slow down.

In more urbanized contexts where parking demand appears to exceed supply, the circulation plan shall contain an array of strategies for pricing, timing and location of parking. For example, on-street parking should be geared towards short-term users and should be more expensive than deck parking. Signage can help direct drivers to parking locations so that their cars do not linger in traffic. As noted in the Land Use section, the competitive advantage of our cities and towns is not free parking, but the richly built environment that encourages people to get out of their cars and walk.

Where a transit hub exists, the parking strategy should accommodate park-and-ride commuters in coordination with the area's other parking needs and promote inter-modal transfers so as to encourage transit use. Any parking permit or fee program for transit or park-ride oriented parking shall provide equal access for residents and non-residents alike.

Greenways

Mobility and access within and beyond Centers can be further enhanced by the provision of greenways for pedestrians, bicyclists and other users. Former railroads and other right-of-ways represent excellent opportunity for greenway connections. Greenways should link residential areas with recreational amenities and provide an alternate means to access public and commercial services in the Center.

Zoning Ordinance consistency – conditional requirements

As with the circulation plan, the zoning ordinance must be compliant with the *State Highway Access Management Code*, if the municipality contains state highways, by demonstrating that it has not approved any non-conforming uses since the adoption of the Act. The ordinance must also comply with the *Airport Safety and Zoning Act* if the municipality contains or is affected by a public use airport.

Utilities

In order to ensure long-term security and sustainability, infrastructure and utilities planning needs to be closely intertwined with land use and climate resiliency planning so that capacity can efficiently fulfill managed and mitigated demand. To deliver best value on infrastructure investments, development shall be concentrated in Centers first, as well as PA1 and PA 2, while avoiding environmentally sensitive and agricultural areas to the greatest extent possible. Center-based development reduces the necessity for and extent of public roadways and sewer lines, as well as the need for pump stations and stormwater treatment facilities. Flaws and weaknesses in existing utilities should be considered when planning for

development so that steps can be taken to identify and address those issues. As with transportation, planning for utility infrastructure should guide the location, amount, and timing of growth while simultaneously considering the projected development and associated demand. Since transportation is already covered under circulation planning, the infrastructure and utilities element shall contain data and recommendations for:

- Solid waste
- Wastewater
- Water
- Communications
- Energy

Some of these topics may overlap with planning documents related to community facilities and conservation.

To address infrastructure adequacy, the petition shall contain the following documents (absolute requirements):

- Annual report on compliance with Stormwater Permitting requirements (MS4)
- Municipal Stormwater Management Plan and Ordinance
- Wastewater Management Plan

Depending on conditions within the municipality, the following may also be required (conditional requirements):

- Utility Service Plan (master plan element)
- Flood Control Plan and floodplain ordinance
- Water supply plan

The municipality should consider the policies and provision of the State Water Supply Master Plan and include them in their utilities planning as well as their master plan. The above plans shall also consider both the demand and supply side of infrastructure as described below.

Managing Demand

In addition to encouraging appropriate compact development, there are other means of reducing demand for infrastructure and utility services while supporting the same level of growth.

Green building may reduce infrastructure load and operational costs, and should be encouraged in development regulations to enhance the affordability of housing and the cost of conducting business. Municipalities can look to the construction or refurbishment of their own facilities as opportunities to apply green design and should reference accepted green building standards to ensure buildings are designed for energy conservation and cost-effectiveness.

Municipalities should also look to reduce solid waste via source reduction measures such as unit pricing for waste collection (see Recycling section for further details) and encouraging businesses to adopt green practices (e.g. reduced packaging where possible).

Managing Capacity

After calculating demand and incorporating various mechanisms for reuse and conservation, municipalities should assess capacity, including the age and quality of existing infrastructure. Where

possible, municipalities should undertake shared services with other towns or through the county to improve the efficiency of existing systems.

Community Facilities

Just as the location of government buildings, institutions, and parks set the development framework for colonial Philadelphia or Savannah, community facilities today should serve a similar role as the backbone of a municipality's development. These public buildings and facilities should be located and designed to be the landmarks and focal points of a community. Local government also has the ability to lead the way in design, green building, historic preservation and other meaningful areas by setting examples for private sector development.

Community Facilities Plan (master plan element), including inventory and map – absolute requirement Board of Education 5-Year Facilities Plan – absolute requirement

The Community Facilities Plan and other relevant documents should cover all land, buildings and equipment that are publicly owned or provide a public service (e.g. through a non-profit). Categories for community facilities include:

- Educational
- Social services
- Cultural
- Recreational
- Public Spaces
- Government buildings and grounds
- Health care
- Public safety
- Public utilities
- Solid waste management (e.g. recycling center, composting facility)

Some of these topics may be covered in other elements of the master plan such as utilities, recreation, or historic preservation.

In combination with other elements, especially the Land Use element, the Community Facilities Plan should incorporate the principles listed and described below.

Coordination with Other Agencies and Sectors

The municipality should maximize the efficiency of existing and planned resources by coordinating with the provision of facilities and services by other levels of government (e.g. county library) as well as non-governmental providers (e.g. daycare center).

Connection to Growth

Existing facilities should be assessed to ensure that they meet the accessibility needs of the population. Standard per capita multipliers are one means of performing this assessment, but should not be a substitute for assessing the actual accessibility of these facilities. In addition, the amount of growth projected by the municipality in its master plan and other planning documents needs to be supported by corresponding investments in community facilities. If there are significant constraints to capacity and resources, the municipality should reconsider how to manage its projected growth.

Connection to Land Use

These facilities vary greatly in how they should be placed in the context of the overall community. Some facilities such as schools, libraries, plazas, police stations, and municipal buildings should be focal points

for the community, mixed in with other uses to provide a wide range of potential positive externalities (e.g. accessibility to residents, enhanced safety, foot traffic for retail). Emergency services should be located to ensure quick response times to the various sections of a municipality; this can be challenging in sprawling development. Social services need to support broader community development goals – e.g. daycare options near home and/or work. Waste facilities should be isolated or buffered from most land uses.

Schools in particular play a significant role in a municipality's-built environment due to their potential impacts, both positive and negative, on community development, land use and transportation. It is critical that land use decisions and school siting be coordinated. Schools should not be isolated campuses but part of the neighborhood fabric, doubling as focal points for the community as a whole. Whether by local streets and or walking/biking paths, schools should be accessible by modes other than the car or school bus, thereby helping to reduce transportation costs. Where possible, walking/biking should be the primary mode of access for schools.

Green Design and Managing Demand

As municipalities are owner-operators of many of their public facilities, there is significant opportunity to implement green building techniques as facilities are developed or refurbished. Such measures will help reduce operational costs.

Shared Services

Wherever possible, there should be consideration of shared services. Certain facilities, such as school recreation property, may be underutilized at certain times of the year, week or day, and therefore should be open to the general public during these times.

Public Access Plan (master plan element) – conditional requirement

The public's right to access tidal waters and their shorelines, embodied in the Public Trust Doctrine, has existed prior to the inception of the State of New Jersey and continues to this day. A municipal Public Access Plan element provides for, encourages, and promotes permanently protected public access to all tidal waters and adjacent shorelines consistent with the public trust doctrine. A public access plan 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, including the locations where access is desired or needed;
- 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 a schedule and tools for implementation.

Open Space and Recreation

In a state as dense as New Jersey, open space and recreation facilities are vital for our quality of life and public health. These amenities should be incorporated into the planning of a municipality as part of the overall infrastructure to best serve local residents and other users. In addition to active and passive recreation potential, open space can serve a number of conservation-related functions, including serving as a buffer for a waterbody, separating incompatible land uses, handling stormwater runoff and providing habitat for wildlife.

For much of urban history, the town square or plaza has been a defining feature in the development pattern. Parks and recreation facilities at the neighborhood level should serve as an organizing structure for center-based development, while regional facilities serve a parallel function town-wide.

Recreation & Open Space Inventory (ROSI) – conditional requirement if seeking Green Acres funding

Open Space and Recreation Plan (OSRP) – absolute requirement

An OSRP articulates a local government's vision of open space and recreation. It should establish a philosophical and practical justification for the protection and preservation of open space and recreation opportunities. The OSRP should provide a framework for implementation. Through an OSRP, the municipality identifies and examines the open space and recreation resources of the community; evaluates their quality, function, accessibility and extent; assesses whether they address the needs of the community (in consideration of its population and demographics); determines whether they include the most significant expanses of open space in the community (e.g., for environmental sensitivity, scenic viewshed preservation, unique defining features); and sets forth a plan to protect and enhance existing facilities while seeking out new or expanded facility options and/or open space as needed, to address gaps in the existing open space/recreation network.

The OSRP should promote a variety of strategies for securing/preserving open space and should prioritize the areas of interest to the community. Available strategies include, but are not limited to:

- Conservation zoning techniques that permanently protect the most productive agricultural lands and environmentally sensitive areas;
- Contiguous & Non-contiguous clustering;
- Transfer of Development Rights (TDR);
- Overlay zoning techniques;
- Development easements acquisition;
- Land acquisition (and resale with restrictions);
- Large-lot zoning where utilized in tandem with any of the above design techniques;
- Center-based development (e.g. village or hamlet); and
- A dedicated funding source for the preservation of open space.

Variety

An open space and recreation plan shall provide for a variety of amenities, both from a geographical perspective from neighborhood to community, and regional parks and from active recreation ranging from sports and playgrounds to more passive recreation, such as hiking trails, and places to fish, and paddle by kayak or canoe.

Accessibility

In Centers, neighborhood parks and facilities should be accessible for pedestrians and bicyclists via sidewalks, bike paths and greenways, the latter of which can also connect residents to larger parks and other public facilities and centers without the need for a car. (See also under Circulation – Pedestrians and Bicycling and Greenways).

Whether it is the Jersey Shore or the State's bays, lakes and rivers, waterfront access is an important and sometimes challenging issue. Municipalities shall fulfill their obligations as owners of lands and waters subject to public trust rights, working to maintain and enhance public access to the waterfront, where appropriate, by acquiring land or easements. As called for in the Public Access Plan, coastal municipalities

should provide affordable beach or tidal waterway access to allow all residents to experience this great resource.

Supply and Demand

The supply of open space and recreation amenities must accommodate current and anticipated future demand, not just based on overall quantitative standards but also considering the points discussed above related to variety and accessibility. The ratio of the acreage of large regional parks to the local population cannot substitute for parks accessible to neighborhood residents by walking. There needs to be a balance in the provision of open space and recreation opportunities. Planning should inventory existing and projected supply and demand with this criterion in mind. As with community facilities, municipalities should explore shared services as a means of enhancing supply. School and university recreation facilities have obvious potential for shared services, as do opportunities for municipalities and their respective counties to partner in maintaining sites of common interest.

Design

There are a variety of tools that can be used to enhance a local public space including landscaping, hardscaping, pedestrian paths, solar orientation, water features and so on. Haphazard application of these tools can produce an overly complicated and unusable space. Although it is not the intention of this document to outline all the aesthetic principles for park and landscape design, the first lesson is to keep it simple. The second is to design with existing needs and challenges in mind, whether it is to deaden traffic noise (with berms and plantings or a water feature), to improve pedestrian links, or to provide a space that can also accommodate outdoor public events.

Economic Development

Economic Development Plan (master plan element)

- **absolute requirement** for areas that are key to the overall health of the statewide economy, in particular Urban Centers and Urban Coordinating Council's (UCC) targeted cities and eligible municipalities

- **benefit-related requirement** if the municipality seeks related economic development benefits from the State as part of the PIA

For Plan Endorsement, the State will review local economic development plans and strategies based on linkages between the considerations outlined below. The following factors should help define the overall economic development strategy in targeting appropriate types of businesses for investment in the area.

State and Regional Economic Context

Larger centers, especially Urban and to some extent Regional Centers, are expected to be the primary engines of statewide economic growth, supporting the key industry sectors that export goods and services. These centers contain research institutions such as universities and hospitals, significant concentrations of corporations and other businesses, and support legal, financial and management services.

Regional Centers and some Towns serve the regional economy by containing county seats and related business, larger non-research hospitals and other institutions, a concentration of comparison retail and services, and perhaps a larger corporate headquarters.

Smaller centers such as Villages and Hamlets are geared more toward convenience retail and services that serve a local consumer market.

These orders of economic activity are cumulative in the sense that the larger centers also include the other activities such as convenience retail in neighborhood-level commercial districts. While the above classifications will not be applied in a rigid manner, the Plan Endorsement petition should exhibit a clear and reasonable sense of the municipality's economic role(s).

Programs and Policies

In planning for economic development, the municipality shall identify opportunities presented by any existing programs coordinated or supported by the State, county and other agencies:

- Innovation Zones
- Foreign Trade Zones
- Technology Incubators
- Edison Innovation Fund
- Urban Fund
- Urban Enterprise Zones
- Special/Business Improvement Districts
- Main Street NJ
- Transit Villages Initiative
- Other State, county and regional economic development initiatives

The economic plan shall take advantage of such opportunities by ensuring that other aspects of its planning, including land use, infrastructure and community development are fully interwoven with the economic strategies.

People

Economic development entails more than bricks-and-mortar or ratables accompanied by a conversion of square footage to job numbers. In order to ensure and enhance the economic well-being of local residents, strong consideration must be given to the local labor supply, its skills and capacity. Where it is necessary, economic development initiatives should include the following people-based strategies:

- Educational and training components
- Financial and technical support for entrepreneurial and business startup activity
- Incubator support for small and new business: serviced offices; legal, financial and administrative services, "hot desk"
- Social services that support workers and small business activity – health care, daycare, transportation
- Community benefits agreements or similar mechanism incorporating the above

Land and Buildings

The economic plan shall estimate the square footage of the existing, approved, and planned supply of various types of commercial space. Supply should be measured against demand, whether it is the growth of a particular sector or the customer base for retail.

Redevelopment Opportunities

The economic plan shall also inventory opportunities for redevelopment and rehabilitation, including brownfields and greyfields sites, to prioritize the reuse of existing developed vacant space. These

inventories should include property data such as location, size, land use, zoning, access, ownership status, permitted and proposed uses (if different), supplemented by mapping of the sites. An NJ Brownfields SiteMart nomination form is required for each of the brownfield sites to be added to the SiteMart. The above data should form the basis for a comprehensive redevelopment strategy, if appropriate, to determine appropriate land use and development possibilities in a coordinated fashion.

Infrastructure/capacity

Projected economic growth must be aligned with existing and planned infrastructure and services:

- Housing
- Transportation
- Utilities
- Water and sewer
- Police/fire/emergency
- Schools

This discussion may make reference to other relevant sections of the master plan. Any deficiency in capacity should be addressed with strategies for managing growth and improving the efficiency between these services and land use.

Organizations and businesses

In municipalities with larger Centers, the economic plan shall consider the various organizations that provide or have the potential to provide for significant multiplier effects, transfer of knowledge and technology, and other positive externalities based on their economic activity:

- Major businesses
- Concentrations of certain sectors
- Research institutions
- Federal government facilities (research, military)

The plan shall describe existing relationships between these organizations and potential enhancements.

In municipalities with smaller Centers that do not have these kinds of economic and technology generators, the plan shall consider economic development at a smaller scale, including for example:

- Suppliers of goods and services to the above organizations if they are in the region
- Retail and services for more localized markets

This portion of the plan shall also consider the role of business organizations, chambers of commerce, community development groups, colleges, vocational schools, and other relevant stakeholders in implementing an economic development strategy.

In the smallest, most rural of Centers, such as historic hamlets and villages, municipalities may choose to focus on sustainable economic development opportunities that involve little to no physical growth. Economic development may be fostered by other means such as tourism (including heritage, eco- and agri-tourism) and recreation, small-scale infill projects, zoning changes to permit mixed uses and/or alternative accessory uses, and establishment of local or regional business associations to promote and enhance existing commerce and sponsor special events.

Agriculture

From a planning perspective, maintaining a vibrant agricultural industry is critical to the increasing focus on sustainability. With rising fuel costs, energy uncertainty, and the public health concerns associated with the long distances across which food products are increasingly transported, maintaining food sources within close proximity is of paramount importance. Because agriculture is an industry in which land is the primary instrument of production and a farmer's primary asset, it is imperative to retain the land base by identifying and prioritizing key areas for preservation. Efforts should be made to steer development away from critical agricultural areas and into areas with existing infrastructure, or to marginal lands where infrastructure makes sense.

The State does not consider large-lot zoning in itself a means of preserving farmland. Development pressures throughout New Jersey have reached a point where such zoning leads to the breakup of farmland, and results in non-agricultural uses permitted under existing zoning. Down-zoning, or large lot zoning, reduces the number of homes that can be built, but spreads out the homes in such a way that consumes more land. The land that remains is no longer viable for agricultural use. However, if coupled with other growth management techniques such as Conservation Design, Contiguous and Non-Contiguous Clustering and Transfer of Development Rights programs, large lot zoning can be effectively employed to limit consumptive development patterns, while protecting and preserving environmentally sensitive areas, open space and productive farmland.

For Plan Endorsement, municipalities with a significant agricultural industry, or where agricultural uses comprise at least 1000 acres of active agricultural land within the municipality, must have a comprehensive Agriculture Retention/Farmland Preservation Plan and ordinances to protect farmland and support agriculture. The future of New Jersey's agriculture depends upon innovative planning techniques, economic development, natural resource conservation, and programs and policies to sustain a viable agricultural industry. These documents should contain a variety of strategies, including but not limited to:

- Conservation zoning techniques that permanently protect the most productive agricultural lands;
- Non-contiguous clustering;
- Transfer of Development Rights (TDR);
- Development easements acquisition;
- Land acquisition (and resale with restrictions);
- Center-based development (e.g. village or hamlet); and
- Dedicated funding source(s) for the preservation of agricultural land (dedicated tax, bond indebtedness).

For the Top 50 municipalities in the state in terms of active agricultural acreage as identified by the SADC, the following is required for Plan Endorsement:

- 1 Establishment and maintenance of an agricultural advisory committee
 - Have in place an Agricultural Advisory Committee, made up of at least 3, but not more than 5 residents of the municipality. The mayor with the consent of the municipal governing body shall appoint members. A majority of the members must be actively engaged in farming and own a portion of the land they farm. The number of full-time vs. part-time farmers should be established in by-laws or by ordinance. The Committee shall be separate from the Open Space committee and report to the municipal planning board. Land acquisition decisions should be coordinated between the Agricultural Advisory and Open Space Committees.
2. Maintenance of a dedicated source of funding for farmland preservation.

- The municipality shall establish and maintain a dedicated source of funding for farmland preservation or an alternative means of funding for farmland preservation, such as but not limited to: a dedicated funding source; repeated, continuing annual appropriations; or repeated issuance of bonded indebtedness.
3. Adoption of a comprehensive farmland preservation plan element as per the SADC guidelines, which include:
 - Agricultural Land Base
 - Agricultural Industry
 - Land Use Planning Context
 - Farmland Preservation Program
 - Future Farmland Preservation Efforts
 - Agricultural Economic Development Strategies
 - Natural Resource Conservation Coordination
 - Agricultural Industry Sustainability, Retention and Promotion
 4. Adoption of a Right to Farm ordinance consistent with SADC model that is in conformance with the Right to Farm Act.

For municipalities that are outside of the Top 50 list but with greater than 1,000 acres of active agricultural land, the following is required:

Adoption of a Farmland Preservation Plan, as outlined in the MLUL (NJSA 40:55D-28b (13), including but not limited to:

- Inventory of farm properties
 - Map of significant areas of agricultural land
 - Municipal ordinances supporting and promoting agriculture as a business
 - Plan for preserving as much farmland as possible
 - Funding mechanism for preserving agricultural lands
 - Actions encouraging donation of permanent development easements
2. Adopt a Right-to-Farm ordinance consistent with SADC model.

For municipalities with less than 1,000 acres of active agricultural land, the following is required:

1. Adoption of a Right-to-Farm ordinance consistent with SADC model.

Historic Resources

Historic resources contribute to New Jersey's sense of place. The structures, neighborhoods, and landscapes we see every day shape the way we think about our environment and contribute to New Jersey's significance. Historic resources attract visitors to New Jersey supporting our tourism industry and enriching the education of our children. To retain New Jersey's sense of place, recognize and celebrate its heritage, and preserve significant sites that contributed to its origins, development and role in the history of the nation, historic preservation needs to be a priority. Many significant historic structures and landscapes are listed in the National and New Jersey Registers of Historic Places. Municipalities may also implement local ordinances to designate and regulate historic sites and districts and provide design criteria and guidelines pursuant to the authority of the MLUL. See N.J.S.A. 40:55D-107 to 112.

Municipalities with historic structures should consider how to use historic preservation for a range of purposes including promotion of historic and cultural resources, urban revitalization, adaptive reuse, and tourism. Preservation and adaptive reuse of historic structures provide opportunity to not only capitalize on prior investment of capital, labor and resources, but to enhance a community's identity.

Historic & Cultural Resources Inventory – conditional requirement

The first step in planning for historic preservation is to develop a detailed inventory that identifies and evaluates the condition and significance of historic and cultural resources already listed or potentially eligible for nomination to the National and New Jersey Registers of Historic Places. The inventory can be standalone, but ideally should be located in the historic preservation element of the master plan. A survey methodology should clearly identify the standards used to determine the significance of a historic site, historic district, or cultural landscape. The inventory should include GIS mapping, photography, and narrative.

Historic Preservation Plan (master plan element) – conditional requirement

In addition to the inventory, the historic preservation plan should outline strategies for the preservation, restoration and/or adaptive reuse of historic properties. There must be a discussion as to the degree to which other master plan elements are consistent with and lend support to the preservation of these resources. For internal consistency, historic preservation should find support throughout the municipality's master plan, such that it is integral to the community planning program. The historic preservation plan shall also consider the items listed below.

Preservation and Context

In urban areas and areas in need of redevelopment, careful consideration should be given to the surrounding context through mechanisms such as historic districts and design guidelines to ensure appropriate design of infill and new development. Adaptive reuse is successful when the historic integrity of structures and places is preserved and new uses are incorporated into the existing fabric of an area. Effective planning and design concepts for historic resources can renew a sense of place by making the area more aesthetically pleasing and strengthening community ties and pride. A historic preservation plan for urban areas and areas in need of redevelopment should also link preservation to broader community development and revitalization goals.

Consideration must also be given to the surrounding streetscape or landscape. Design guidelines should incorporate context-sensitive selection of items such as streetlamps and street furniture, and traffic calming and other pedestrian amenities should be carefully considered, particularly for sites intended to attract visitors. Historic structures or cultural landscapes in rural areas should be buffered appropriately to protect the significance of the historic landscape. Special consideration of public access and amenities should be given to sites that serve a cultural or recreational role.

Education and Outreach

A historic preservation plan includes strategies for education and outreach to serve a wide range of goals, including:

- Encourage research and education of history and culture
- Educate property owners on the significance of historic sites, historic preservation plans and regulations
- Educate property owners on restoration and rehabilitation techniques
- Promote economic development and tourism

Funding

Petitioners should educate property owners about financial incentives available for preservation and adaptive reuse and should encourage, and to the extent feasible assist, those interested in taking advantage of them. Municipalities should consider providing for short-term tax exemptions or abatements to encourage rehabilitation.

Tax credits are also an important source of financing:

- The Federal Historic Preservation Tax Credit (HPTC) provides a tax break for rehabilitation of income-producing historic buildings
- Low-Income Housing Tax Credit (LIHTC) offers incentives for the construction of affordable housing
- Investment Tax Credit (ITC) allows for 20 percent credit for the rehabilitation of income-producing residential properties

To qualify for tax credits, a property has to be a “certified historic structure” listed in the National Register of Historic Places and rehabilitation of the structure must adhere to the National Park Service Secretary of the Interior’s Standards for Rehabilitation.

Other sources of funding include:

- Certified Local Government Grants, New Jersey Historic Preservation Office (HPO)
- Garden State Historic Preservation Trust, New Jersey Historic Trust (NJHT)
- Historic Preservation Revolving Loan Fund, NJHT
- Emergency Grant and Loan Fund, NJHT
- Cultural Trust Capital Preservation Grants, NJHT

Implementation Documents and Mechanisms – conditional requirements

In addition to the funding resources described above, the historic preservation plan should be supported by a range of planning tools including:

- Historic Commission - guides the protection of historic and cultural resources and advises the governing body and planning board as necessary
- Historic Preservation Ordinance
- Transfer of Development Rights (TDR) – rights to demolish structures, replace façades or erect additions can be exchanged for credits to build in a designated receiving area
- Rehabilitation Plan – encourages property improvements to complement preservation activities and enhance the historic context

Transfer of Development Rights

The state may encourage a petitioner to pursue Transfer of Development Rights (TDR) in the Plan Endorsement process or as part of the PIA if the municipality faces development pressures on open space, farmland, environmentally sensitive areas, or historic resources and has opportunity to concentrate development elsewhere. Petitioners may themselves propose sites or areas appropriate for TDR receiving zones, as well. Those seeking to encourage growth may benefit from development rights transferred, whether from sites within the municipality or from other growth-restricted parts of the state. The Highlands Council for example, offers a TDR program for which a substantial number of development credits have already been “banked.” Municipalities interested in establishing a Highlands Receiving Zone should contact the Highlands Council for assistance. The Highlands Council offers grant

funding specifically for the process of conducting receiving zone feasibility studies (see: <https://www.nj.gov/njhighlands/hdcbank/>).

Where the Plan Endorsement process and TDR planning are working under separate timeframes, it is expected that the two will be coordinated so that proposed:

- Centers correspond with TDR receiving areas for projected development and necessary infrastructure investments
- Environs protection, farmland preservation and/or historic preservation strategies correspond with TDR sending areas

TDR planning must also consider market conditions and the mechanisms by which credits will be transferred.

If the municipality is planning for TDR or requested to do so by the state as part of Plan Endorsement, the following documents will be required in order to comply with the State TDR Act (N.J.S.A. 40:55D-137 et seq.):

- Development Transfer (master) Plan Element
- Capital Improvement Plan
- Utility Service Plan
- Real Estate Market Analysis
- Development Transfer Ordinance
- County approvals

Recycling

The MLUL and other legislation highlight the importance of a recycling plan element. To reduce the amount of solid waste entering our landfills and/or incinerators, municipalities should seek to reduce waste and reuse materials prior to simply disposing of them. Municipalities should encourage residents, as well as businesses and industrial entities to participate in waste reduction and recycling practices. In conjunction with service providers, municipalities should ensure periodic distribution of updated information explaining where and how to recycle in the area, and detailing what items are suitable to which recyclers. The state also encourages petitioners to consider developing or participating in composting programs to address food and vegetative waste, and to encourage conservation practices generally.

Statement of consistency– absolute requirement

The petition shall include a statement of consistency with the district recycling plan (i.e., County Solid Waste Management Plan), including municipal strategies to achieve the State's Recycling Plan Goals and reduce municipal solid waste. The statement shall include:

- Provisions for collection
- Disposition and recycling of mandatory recyclable materials
- Disposition and recycling of construction and demolition waste
- Educational strategies for businesses and residents
- Provisions for the disposal of household hazardous waste
- Strategies to reduce and reuse waste
- Provisions for the disposal of universal waste

Municipal Recycling Ordinance(s) – absolute requirement

Provide the municipal recycling ordinances required pursuant to N.J.S.A. 13:1E-99.13(a).

Municipal Recycling Element (master plan) - desired

A municipal recycling element should incorporate State Recycling Plan goals, including provisions for the collection, disposal and recycling of recyclable materials designated in the municipal recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development proposed 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. See N.J.S.A. 40:55D-28(b)(12).

Hazard Planning

Incorporation of mitigation measures into relevant planning documents – absolute requirement

In planning for public safety, the municipality needs to inventory potential hazards and consider how to mitigate them. Hazards relevant to various parts of New Jersey include:

- Coastal erosion
- Floods
- Homeland security
- Hurricanes
- Landslides
- Nuclear facilities
- Severe storms
- Storm surges
- Wildfires

Examples of mitigation measures include:

- Appropriate land use planning that does not overtax road capacity
- Ability to rely on a road network rather than a single highway for evacuation
- Adequate provision of emergency services in line with growth
- Requirements for flood controls, including green landscape design, for development projects and measures for reducing development in Flood Hazard Areas (FHAs)
- Evaluation and updates to municipal-wide stormwater management plans to address existing problem areas and prepare for the anticipated widespread effects of climate change

Letter from the NJ State Police approving the local Emergency Operating Plan – absolute requirement

A balanced perspective is necessary to ensure that we do not sacrifice everyday quality of life in the face of intermittent risk, especially as it is impossible to plan away all risk. In this regard, the municipality should also have an Emergency Operating Plan, consistent with state guidelines, that provides for coordinated responses and actions.

Submission of the municipal annex of the County Hazard Mitigation plan or a local hazard mitigation plan.

Climate Resilience Planning

The following 3-step outlines how municipalities should evaluate and address local climate change impacts as they seek Plan Endorsement. DEP will provide assistance and guidance for these activities.

Step 1: Assess Vulnerable Areas, Critical Assets and Infrastructure (this should be coordinated with hazard mitigation assessment):

Assess flood risks that at a minimum identifies areas within the municipality that are subject to exposure to 3, 5 and 7-foot of sea-level rise and the 1% (100-year) and 0.2% (500- year) storms as part of the Municipal Self-Assessment. The petitioner may utilize existing tools (e.g. NJ FloodMapper or FEMA Community Profiles tool) to perform this assessment. If the county has adopted a hazard mitigation plan, it will include an overall risk assessment and should include an annex for each municipality. DEP will provide a more detailed vulnerability assessment as part of the Opportunities & Constraints Assessment.

Delineation of proposed new, or modification of existing, center boundaries shall at a minimum seek to exclude areas subject to a 3-foot rise above the mean higher-high water levels, as well as avoiding other areas identified as vulnerable to flooding from a 1% storm, as practicable. The DEP may provide the required mapping and/or spatial data and/or provide technical assistance for this assessment.

Prior to endorsement, the municipality must demonstrate that it is taking steps to minimize future asset exposure, by changes to zoning, land development requirements or other methods. These steps will be identified in coordination with the DEP and will depend on the municipality's development and/or redevelopment plans and existing ordinances.

Step 2: Develop a Local Resiliency Strategy:

Subsequent to Plan Endorsement by the SPC, as part of the Plan Implementation Agreement, the municipality must develop and adopt a Local Resilience Strategy that will address how to avoid or minimize the threats to identified vulnerable areas and address other anticipated climate change impacts, such as increased temperatures. The Local Resilience Strategy must address vulnerable areas in a comprehensive fashion. The specific actions that each municipality takes will vary depending on the extent and scale of identified vulnerable areas. Required actions include incorporation of climate change and associated impacts into the master plan; adoption of a municipal code coordinated floodplain development ordinance; establishment of a climate change/risk communication education and outreach program; and zoning changes consistent with the vulnerability assessment (as appropriate). Additional actions may include, but are not limited to site plan standards/review, post-disaster recovery plan, enhancement or protection of tidal marshes and other ecological features that buffer communities from flood impacts, and flood mitigation. Each action strategy must detail a proposed implementation schedule, identify non-local assistance/resources needed, and identify a measurable outcome (e.g. completion of a plan, securing sources of funding, updating an ordinance). DEP will provide technical assistance as needed during the development and implementation of the Local Resiliency Strategy.

Step 3: Periodically Demonstrate Action to Address Vulnerabilities:

As part of the biennial review associated with Plan Endorsement, the endorsed municipality shall document that it has completed implementation measures identified in its Local Resilience Strategy. Recognizing that some actions may require a longer term to be implement, should updates or revisions need to be made to the adopted Local Resilience Strategy implementation strategies or the actions, the municipality can work with the DEP to modify the plan appropriately

Capital Improvement Program (CIP)

CIP – absolute requirement

Implementation tools have been discussed in a number of the above sections. The CIP has been set aside as it is linked to several master plan elements, including circulation, community facilities, and utilities. A CIP should cover a term of at least six years and establish priorities for projects in coordination with relevant investments by federal, state and county governments. It should be consistent with other municipal planning documents. The program should at a minimum:

- Encompass major current or planned projects involving federal, state, county and other public funds or supervision
- Prioritize projects according to urgency and need for revitalization, and recommend a time sequence for their implementation
- Contain estimated project costs and indicate probable operating and maintenance costs and revenues
- Account for existing sources of funds and any need for additional sources of funds for the implementation and operation of each project
- Be based on existing information in the possession of municipal departments and agencies and take into account public facility needs indicated by the master plan or permitted under other municipal land use controls
- Estimate the displacement of persons and establishments and related cost caused by each recommended project

In the event the CIP is prepared in connection with a TDR program, it shall include the location and cost of all infrastructure and a method of cost sharing if any portion of the cost is to be assessed against developers pursuant to any relevant ordinance adopted by the governing body regarding contribution for off-tract water, sewer, drainage and street improvements. See N.J.S.A. 40:55D-140(b) and N.J.S.A. 40:55D-42. These cost considerations will need to be considered in the Real Estate Market Analysis (REMA) and the effects of the needs identified in the CIP and Utility Service Plan on development potential in the receiving zone. See N.J.C.A. 5:86-2.8(a)(1).

Part IV. Plan Endorsement Benefits

Once the State Planning Commission has endorsed a petitioner's plan as consistent with the State Plan, State agencies will provide benefits to the municipality to assist in implementing the endorsed plan. This assistance will include technical assistance, direct State capital investment, priority for state grants and low-interest loans, preferential interest rates, and a coordinated regulatory review for projects consistent with endorsed plans. **Financial assistance from State agencies is always subject to annual state budget appropriations earmarked for applicable programs during any given fiscal year.**

The benefits package will be put together at the time of the Action Plan so that the municipality and State agencies have a mutual understanding of what the municipality will need to do in order to be entitled to the State's resources, and what the State needs to do to dedicate resources and earmark funds, if appropriate. The municipality and State agencies should consider as part of the benefits package all future projects for which the municipality seeks state financial and technical assistance.

For a complete listing of available State agency benefits, please see the Plan Endorsement Benefits Chart, which is available at: www.nj.gov/state/planning/.

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/28/22 07:30 PM
Department: Governing Body
Category: Council Ordinance
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**ORDINANCE 2022-30**

DOC ID: 3958

Amending a Portion of the “Global Agway Redevelopment Plan” as Adopted by Ordinance 2017-1 of the Borough of Flemington

BOROUGH OF FLEMINGTON ORDINANCE NO.

AN ORDINANCE TO AMEND A PORTION OF THE “GLOBAL AGWAY REDEVELOPMENT PLAN” AS ADOPTED BY ORDINANCE 2017-1 OF THE BOROUGH OF FLEMINGTON

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “Act”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, pursuant to Borough Council Resolution 2014-73, adopted April 16, 2014, the Borough Council designated property designated as Block 5 Lots 1 & 2; and Block 14, Lot 1 on the Borough of Flemington Tax Map (the “**Redevelopment Area**”), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “**Redevelopment Law**”); and

WHEREAS, pursuant to Ordinance 2017-1, adopted on February 13, 2017, the Borough Council adopted the Global Agway Redevelopment Plan which covered the Redevelopment Area; and

WHEREAS, the Borough Council has determined that the effective Redevelopment of the Redevelopment Area would be stimulated by amending the Global Agway Redevelopment Plan as it applies to Block 14, Lot 1 as set forth in the attachment to this Ordinance entitled “Global Agway Redevelopment Plan Amendment”; and

WHEREAS, the Borough Council desires to amend the Global Agway Redevelopment Plan and to provide notice thereof in accordance with law.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Flemington, in the County of Hunterdon and the State of New Jersey, as follows:

Section 1. The Global Agway Redevelopment Plan be and hereby is amended with the Attachment to this Ordinance entitled “The Global Agway Redevelopment Plan Amendment”.

Section 2. In the event that any section, part or provision of the Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any party thereof, other than the part so held unenforceable or invalid.

Section 3. This ordinance shall take effect upon final passage, publication, and filing with the Office of the Clerk of Hunterdon County, all as required by law.

Introduced: November 28, 2022

Adopted:

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

THE GLOBAL AGWAY REDEVELOPMENT PLAN AMENDMENT



BLOCK 14 LOT 1

FLEMINGTON BOROUGH NJ



Draft: November 23, 2022

GLOBAL AGWAY REDEVELOPMENT PLAN

AMENDMENT – BLOCK 14, LOT 1

BOROUGH OF FLEMINGTON, HUNTERDON COUNTY

Adopted _____

BOROUGH OF FLEMINGTON MAYOR AND COUNCIL

Betsy Driver, Mayor
 Jeremy Long, Council President
 Jessica Hand, Council Vice President
 Tony Parker, Councilman

Malik Johnston, Councilman
 Elizabeth Rosetti, Councilwoman
 Kimberly A. Tilly, Councilwoman

Tara St. Angelo, Esq., Borough Attorney
 Jerome Harris, Borough Engineer
 Elizabeth McManus, PP AICP LEED AP, Borough Planner

BOROUGH OF FLEMINGTON PLANNING BOARD

Jeffrey Doshna - Chairperson
 Susan Engelhardt, Vice-Chairperson
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 Michael Campion
 Councilman Tony Parker
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Exhibit A – Concept Plan

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INTRODUCTION

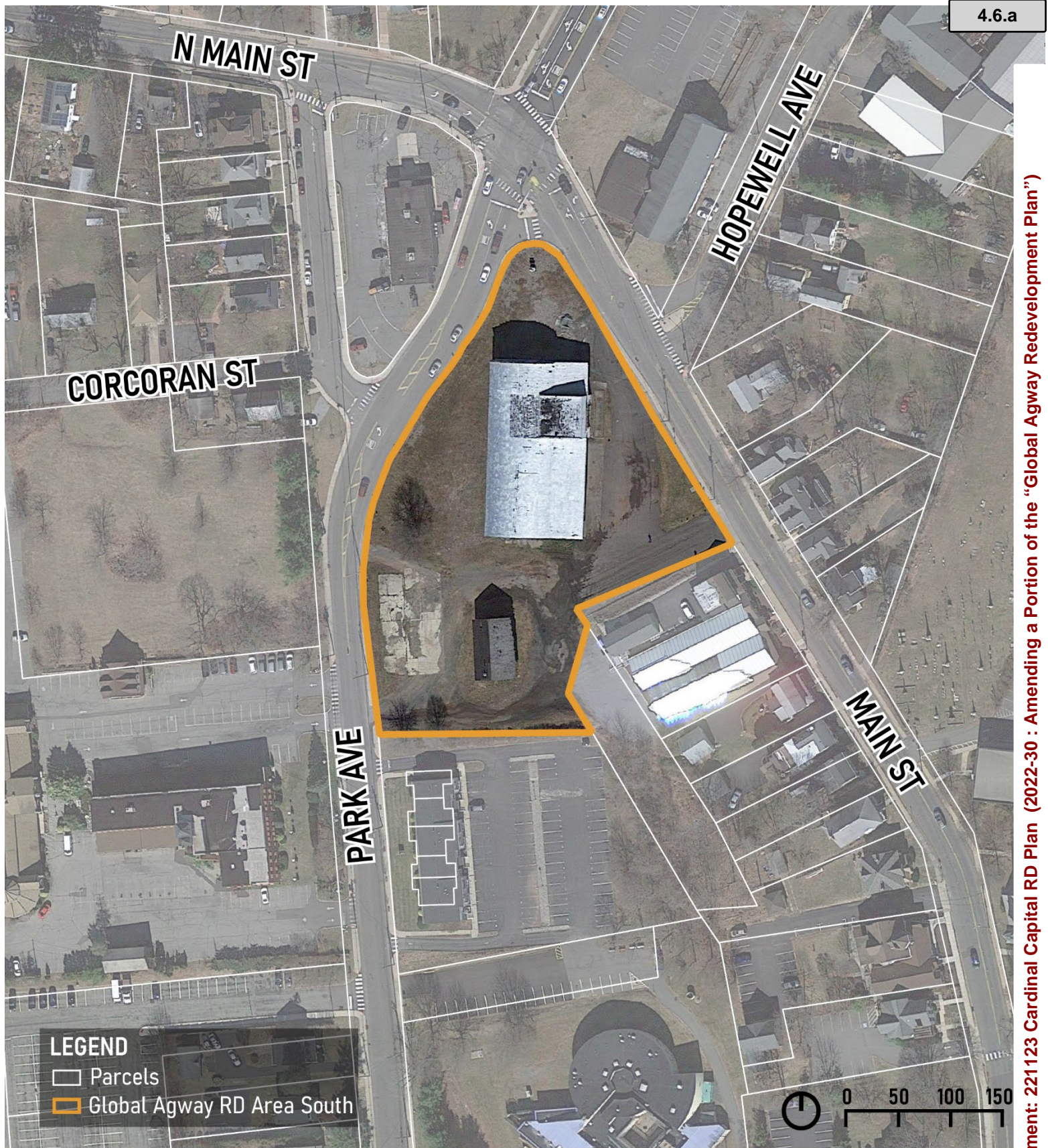
The Global Agway Redevelopment Area was designated as a “Non-Condemnation” Redevelopment Area, on April 16, 2014, through Resolution 2014-73 by the Borough Council. The following Redevelopment Plan is an amendment to, and supersedes, the Global Agway Redevelopment Plan, which was prepared and adopted in January 2017. This Amended Redevelopment Plan address only Block 14, Lot 1.

The Redevelopment Plan provides the policy and regulation for revitalization of Block 14, Lot 1 of the Global Agway Redevelopment Area. The Redevelopment Area is envisioned as an extension of the Borough’s downtown consisting of new residential and commercial uses that complement the Borough’s existing scale and character. The Area will serve as a gateway to the Borough while creating a sense of place that promotes a high quality of life, as well as providing economic support to the Borough’s downtown.

The Redevelopment Area consists of 1 lot, a little over 2-acres, located at the intersection of Park Avenue and Main Street. Two buildings, a warehouse building of approximately 16,400 sf and a late 19th century freight train depot of approximately 2,300 sf, currently occupy the Redevelopment Area. The buildings have been unoccupied for over 20 years. The southern portion of the Redevelopment Area is within the Borough’s Historic District. The freight train depot is identified as a historically significant structure in the Borough’s Historic District map.

The Redevelopment Area serves as an important gateway and acts as transition point to the Borough’s historic downtown found along Main Street. The area surrounding the subject property is characterized by a mix of residential and commercial uses.

Directly adjacent to the north of the subject property is a convenience store. Residential uses, including single and multi-family units are located to the northwest of the Redevelopment Area. Immediately north, within the Global Agway Redevelopment Area and at the intersection of Main Street, Hopewell Avenue and Walter Foran Boulevard, is an approved but not yet constructed 100-unit multi-family development. Adjacent to the Redevelopment Area, to the south are commercial uses along Main Street. Further south are properties owned and used by Hunterdon County, including the County Courthouse. To the east and west is a mix of commercial and residential uses.



POLICY
PLANNING
DESIGN

GLOBAL AGWAY REDEVELOPMENT AREA SOUTH

BLOCK 14 LOT 1

BOROUGH OF FLEMINGTON, HUNTERDON COUNTY, NJ

DATA SOURCE: Aerial Imagery, Google Earth; NJGIN Hunterdon County Parcels 2021; NJDEP 2012 Wetlands; FEMA 2012 Flood Hazard Data. This map was developed using NJDEP, NJGIN, & FEMA Data, but this secondary product has not been NJDEP, NJGIN, & FEMA verified and is not State authorized.

STATUTORY AUTHORITY AND PROCESS

Under New Jersey's LRHL, municipalities are empowered to determine whether an area is in need of redevelopment, to adopt a redevelopment plan, and to implement redevelopment projects. The statute requires a multi-step process that must be adhered to in order for the municipal governing body and planning board to exercise these powers lawfully. This process is summarized below:

1. The governing body must authorize the planning board, by resolution, to undertake an investigation of the delineated area to determine whether it meets the criteria set forth in section 5 of the LRHL.
2. The planning board must then prepare a map showing the boundaries of the Redevelopment Area and the location of the various parcels therein.
3. The planning board must conduct a preliminary investigation and hold a duly noticed public hearing in order to discuss the findings of the investigation and to hear persons who are interested in or would be affected by the contemplated action. The results and recommendations of the hearing are then referred to the governing body in the form of a planning board resolution.
4. Upon receipt of the recommendation from the planning board, the governing body may act to adopt a resolution designating the area in question, or any part thereof, as an area in need of redevelopment.
5. Upon designation, the planning board or governing body then authorizes preparation of a redevelopment plan, which establishes the land development goals and objectives of the municipality and outlines the actions to be taken to accomplish these goals and objectives.
6. The redevelopment plan is adopted by the Governing Body by ordinance after introduction, referral to the Planning Board, and a public hearing. The adopted redevelopment plan may supersede the municipality's zoning district map and zoning ordinance or may be treated as an overlay to existing zoning.

This report meets the requirement listed under step 5, above, for a Redevelopment Plan and provides the Planning Board and Township Council the framework for the land development of the area.

Only after completion of this public process is a municipality able to exercise the powers granted under the LRHL for areas in need of redevelopment. These powers include but are not limited to:

- Acquire land or building identified for redevelopment acquisition in the redevelopment plan through lease, purchase, or eminent domain.
- Offer long-term tax abatements and exemptions for a period of up to 30 years from the completion of the project, or not more than 35 years from the execution of the financial agreement between the municipality and the urban renewal entity. This includes
 - Offer Redevelopment Area Bonds to help fill a project financing gap.
 - Clearing an area, install, construct, or reconstruct streets, facilities, utilities, and site improvements.
 - Negotiating and entering into contracts with private redevelopers or public agencies for the undertaking of any project or redevelopment work.
 - Making loans to redevelopers to finance any project or redevelopment work.
 - Entering buildings or property to conduct investigations or make surveys; contracting with public agencies for relocation of residents, industry, or commerce.
 - Enforcing laws, codes and regulations relating to use and occupancy; repairing, rehabilitating, demolishing, or removing buildings.
 - Exercising other powers, including the power to do all things necessary or convenient to carry out its plans.

REDEVELOPMENT PLAN OBJECTIVES

The Global Agway Redevelopment Plan Amendment is intended to provide a framework for the redevelopment of the area. This Redevelopment Plan is guided by the following objectives:

1. Redevelop the area consistent with the Borough's overall economic goals and regional market forces to ensure any proposed redevelopment is economically feasible.
2. Promote economic development and growth for the Borough through the promotion of mixed-use development, with an emphasis on residential uses that will lead to more residents within walking and biking distance of the shops, services and activities of the downtown.

3. Create diverse housing opportunities in the form of multi-family residential and townhouse units that accommodate a mix of incomes and household sizes. This includes, but is not limited to, an affordable housing set aside.
4. Maintain the overall character and quality of life for existing Borough residents by permitting uses that are sensitive to the surrounding area (particularly residences in the TR and SF Zoning Districts) and limiting impacts from the Redevelopment Area, such as lighting and noise.
5. Enhance the built environment of the area by creating a cohesive mixed-use land use and integrated circulation pattern that is walkable, with buildings that enclose the street and include architectural components that are sensitive to the size and proportion of humans.
6. Permit increased building density where the development advances other goals, such as providing parking which serves the surrounding area, providing affordable housing, and/or providing recreation or entertainment space.
7. Create a pedestrian connection between Park Avenue and North Main Street.
8. Incorporate gateway features, such as a visual terminus at North Main Street and Park Avenue, to emphasize Flemington's unique charm and character and to reinforce to people that they have entered the Borough.
9. Ensure a unique sense of place is established that complements the historical character and scale of the Borough.
10. Encourage sustainable practices including the use of green infrastructure and green building techniques to reduce the Redevelopment Area's environmental footprint, while responding to climate change and flooding in the area.

APPLICABILITY & RELATIONSHIP TO THE LAND USE ORDINANCE

The Redevelopment Plan envisions the creation of a revitalized area on Block 14 Lot 1 of the Global Agway site. The Redevelopment Area is envisioned as a vibrant extension of the Borough's downtown, creating a cohesive built environment, while providing a variety of housing types and attracting a mix of incomes. An integrated residential development creates the opportunity for economic growth and development for the Borough while supporting existing businesses. Additionally, the vision of the area is to encourage development that addresses climate change and flooding in the Borough.

The standards of this Redevelopment Plan shall supersede the zoning provisions of the Borough of Flemington Land Development Ordinance. However, where the regulations and standards of the Redevelopment Plan are silent, the standards of the Land Development Ordinance shall apply to the redevelopment areas as permitted by N.J.S.A. 40A:12A-7.a(2). Additionally, the standards of this Redevelopment Plan shall supersede the provisions of the Global Agway Redevelopment Plan as it relates to Block 14, Lot 1.

The zoning map of the Borough of Flemington shall be amended upon the adoption of this Plan in accordance with N.J.S.A. 40A:12A-7.c to reflect this new classification.

GENERAL PROVISIONS

REDEVELOPMENT AUTHORITY

The Borough Mayor and Council shall act as the “Redevelopment Entity” pursuant to *N.J.S.A. 40A:12A-4.c* for purposes of implementing this Redevelopment Plan and carrying out redevelopment projects. In doing so, the Borough Council shall have the powers set forth in *N.J.S.A. 40A:12A-8* to effectuate all its duties and responsibilities in the execution and implementation of this Redevelopment Plan. Acquisition of any land or building which is necessary for the redevelopment project, pursuant to the provisions of the “Eminent Domain Act of 1971,” P.L. 1971, c.361 (C.20:3-1 et seq.), is not permitted for the area as these properties were declared a “non-condemnation” area in need of redevelopment.

EFFECT OF REDEVELOPMENT AGREEMENT

The execution of the Redevelopment Agreement shall convey the right to prepare a site plan or subdivision application for development to the Flemington Planning Board in accordance with the terms of a Redevelopment Agreement and Redevelopment Plan, among other rights that may be granted by the Borough Council. Nothing herein shall prevent the Borough Council from amending the Redevelopment Plan as it sees fit.

ACQUISITION OF PROPERTY

No property is proposed to be acquired by public entities in the Global Agway Redevelopment Area as part of this Redevelopment Plan.

RELOCATION PROVISIONS

The Redevelopment Area does not include any housing units. Any relocation obligation will be borne by the Designated Redeveloper through the terms of the Redevelopment Agreement.

APPLICATION FOR DEVELOPMENT

The application for development shall include a major site plan that includes the entirety of Block 14, Lot 1. An applicant shall seek preliminary site plan approval for the entirety of the Redevelopment Area; however, final site plan approval may be granted, at the approving authority's discretion, for individual phases of the project. The application shall be submitted in such form, and accompanied by such maps, documents, and materials as are prescribed in the Borough Land Development Ordinance. The order in which final site plan approval is sought and redevelopment occurs shall not be limited by this Plan. Notwithstanding, no building shall be demolished prior to the lot upon which it sits being subject to a preliminary site plan approval, unless required for public safety, as determined by the Borough of Flemington.

Only a party designated by the Borough of Flemington as the designated redeveloper shall be permitted to develop and/or redevelop the Property, which designation shall be accomplished with a Redevelopment Agreement between the Borough and the redeveloper. No party may seek or obtain site plan or subdivision approval related to any portion of the Redevelopment Area without first having been designated as the designated redeveloper by the Borough. The Planning Board may not consider an application for site plan or subdivision approval nor grant site plan or subdivision approval for the Redevelopment Area unless the Applicant is the designated redeveloper as designated by the Borough.

DEVIATION REQUESTS

Any application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accordance with the requirements of public notice as set forth in the Local Redevelopment and Housing Law (*N.J.S.A. 40:55D-12a* and *b.*) and the Municipal Land Use Law (*N.J.S.A. 40:55D.*) The Flemington Borough Planning Board may grant deviations from the regulations contained within this Redevelopment Plan that are "c" variances pursuant to the Municipal Land Use Law (*N.J.S.A. 40:55D-70c*). Any deviation that constitutes a "d" variance pursuant to the Municipal Land Use Law (*N.J.S.A. 40:55D-70d*) from the Redevelopment Plan shall be permitted only by means of an amendment of the Redevelopment Plan by the Borough Mayor and Council.

REDEVELOPMENT REGULATIONS

The Redevelopment Plan provides the policy framework and regulation for the revitalization of the Global Agway Site. The Redevelopment Area aims to ameliorate the vacant, substandard, dilapidated, and obsolete conditions that currently exist. Global Agway South is envisioned as a new diverse residential neighborhood that provides economic support to the Borough's downtown, while complementing the scale and character of the Borough, creating an integrated and cohesive built environment.

A. DEFINITIONS

The following definitions apply to the words as applied herein:

1. Publicly accessible area: A public or private area consisting of a street, sidewalk, pedestrian path, or open space or plaza used as passive or active recreation.
2. Retail: The business of selling or renting goods or merchandise to consumers, excluding wholesaling transactions.

B. PERMITTED PRINCIPAL USES

1. Multi-family dwellings.
2. Townhouse dwellings.
3. Open space and recreation.
4. Supportive housing.
5. Municipal uses.

C. ACCESSORY USES

1. Signs.
2. Fences and walls.
3. Roof-top solar facilities.
4. Electric vehicle charging stations and make-ready infrastructure.
5. Community gardening.
6. Loading, delivery, service and pick-up zones.

7. Gyms, community rooms and multi-purpose rooms.
8. Open space and recreation, including but not limited to playgrounds, community gathering spaces, and sitting areas
9. Open air pavilion
10. Off-street parking, including surface, and structured parking.
11. Other uses which are customary and incidental to a principal permitted use.

D. CONDITIONAL USES

1. Any use permitted in the DB Downtown Business District.
2. Retail.
3. Restaurant.
4. Brewery.
5. The following conditions shall apply to the above listed conditional uses:
 - a. The use shall be located on the ground floor.
 - b. The use shall have frontage on North Main Street and/or Park Avenue.

E. RESIDENTIAL DENSITY

1. Gross residential density shall not exceed 115 dwelling units.

F. AFFORDABLE HOUSING

1. The affordable housing set-aside shall be not less than 15 percent. Affordable housing units shall be developed in compliance with the Borough's affordable housing ordinance and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-21), including 13% of the affordable units being restricted to very low income housing units.
2. Exterior finishes of affordable units shall be indistinguishable from market rate units.
3. All affordable housing units shall be "family" units, defined as not being limited to any particular population (i.e., senior or special needs), with the exception of the following:
 - a. Up to two (2) supportive housing units containing four (4) bedrooms each shall be permitted in the development. Each bedroom in a supportive housing unit shall be equivalent to one affordable housing unit, for a total of up eight (8) supportive housing units.

- b. Each supportive housing unit shall be eligible for affordable housing credit pursuant to N.J.A.C. 5:93.

G. SITE DESIGN & BULK REGULATION

1. Site layout and design shall be substantially consistent with the Concept Plan provided in Exhibit A.
2. Reverse frontage building and site design is prohibited. The primary entrance of all buildings shall be oriented toward the public street to which the building has frontage upon or a publicly accessible area where no street frontage exists.
3. Minimum setbacks:
 - a. Park Avenue frontage: 15 feet.
 - b. North Main Street frontage: 10 feet.
 - c. Permitted intrusions and exceptions:
 - i. Steps and porches associated with building entrance, except that no walls shall be located within 2 feet of a sidewalk along the Park Avenue or Main Street frontage.
 - ii. Fences and walls, except that no walls shall be located within 2 feet of a sidewalk along the Park Avenue or Main Street frontage.
4. Maximum impervious coverage: 90%. Lawn and other pervious materials located over subsurface parking structures shall not contribute toward pervious areas.
5. Minimum townhouse unit width: 22 feet.
6. Maximum townhouse units per building: 8
7. Minimum distance between buildings: 24 feet.
8. The development shall provide not less than 50 square feet per residential unit of public or private amenity space. The amenity space may be located within a building or outside, provided not less than 50% of the required area is located outside and available for public use. Permitted amenity space uses include but are not limited to fitness areas, community rooms, playgrounds, sitting areas, community rooms, and/or pavilions.
9. Each townhouse unit shall have private outdoor amenity space, which may consist of a balcony, above-grade terrace, below-grade terrace, or roof-top deck. This private space shall not contribute to the amenity space required in item 10 above.
10. Trash and recycling disposal and pick-up facilities shall not be visible from a publicly accessible area.

11. Multi-Family Building Height

- a. Maximum building height: 5 stories / 60 feet, except that tower elements, whether habitable or not, shall not exceed 12' feet or 10% percent of the roof area of the building. An elevator bulkhead and associated stairs are not part of the height restriction.

12. Townhouse unit Height

- a. Maximum building height: 3.5 stories / 40 feet, except that protruding elements, whether habitable or not, shall not exceed 9' feet or 10% percent of the roof area of the building.

13. One or more site features shall reflect the railroad and industrial history of the Borough. The feature shall be visible to a publicly accessible area and may be an architectural feature, or other site amenity.

14. Stormwater detention basins shall not be located between a building and a publicly accessible area.

H. PARKING & CIRCULATION

1. The parking and circulation shall be substantially similar to the Concept Plan provided in Exhibit A to this Redevelopment Plan.

2. Parking shall be provided as follows:

- a. One and a half (1.5) parking spaces per multi-family unit
- b. Two (2) parking spaces per townhouse unit.
- c. No parking is required for nonresidential uses.

3. Bicycle parking shall be provided, consistent with § 1634.

4. Loading space(s) are not required.

5. One delivery / passenger drop-off area shall be identified. Said area shall be located convenient for residential deliveries and passenger drop-offs and may be located within the site interior, along an access drive or along a public street. The location of the feature shall not prevent the flow of pedestrian, bicycle or vehicular movement.

6. Parking structures facing a publicly accessible area should be architecturally integrated into the principal building using techniques such as screening, and/or grilles.

7. Curb cuts shall be substantially consistent with those shown on the Concept Plan provided in Exhibit A.

8. Townhouses shall provide on-site parking by an enclosed garage located in the rear yard, which shall not include the primary building entrance, with access from a lane,

alley or surface parking lot. Parking may occur within the driveway leading to the garage, in which case the garage shall be set back no less than 18 feet from the lot line to accommodate a car without projecting into the right-of-way.

9. Vehicle access drives shall not be located less than 5 feet from a building façade with a pedestrian access. Facades with emergency access only are exempt.

I. ARCHITECTURAL DESIGN

1. The architectural design shall be substantially similar to the Concept Building Renderings in Exhibit B to this Redevelopment Plan.
2. Building facades shall present a cohesive design and shall utilize regular patterns to create architectural interest. Such architectural interest may be created through use of vertical recesses/projections, material changes, or a tripartite structure (three distinct vertical components - a "base," a "middle," and a "top" distinguished with building materials, projections, or other architectural features). Blank walls are prohibited.
3. Facades shall be expressed as building modules that do not exceed 80 feet in width.
4. Building entrances shall be articulated to make them easily identifiable by visitors and to provide architectural interest. Examples of special features of entrances include, but are not limited to, awning, architectural treatments, recesses, projections, etc. Service doors shall be integrated with the building design and need not be articulated.
5. Building entrance shall face the street to which the building is oriented.
6. Upper floor windows shall be divided into individual units, rather than a continuous "ribbon." In addition, upper story windows shall be oriented vertically.
7. Windows shall be recessed, or project as bays from the main wall, a minimum of four inches from the façade so as to create texture and shadows on the façade for visual interest. Windows shall not be flush with the surrounding wall surface.
8. Awnings should have a matte finish and be constructed of colored natural or synthetic canvas, or other materials such as metal or glass. Awnings should not be internally illuminated and should not be made of vinyl or other plastic material.
9. The maximum length of any visible continuous roofline shall not exceed 100 feet. Visible roofline segments should vary in height by at least 4 feet.
10. Building roofs should be flat, gabled, or mansard. Hipped roofs are discouraged.
11. Ground level mechanical equipment is discouraged. Where provided, it shall not be located between building and a publicly accessible area and shall be screened with plantings or a solid fence.

12. Redevelopment is encouraged to utilize green or sustainable building and site design standards. Some examples are: United States Green Building Council LEED; National Green Building Standard; EnergyStar; Green Globes; and the Sustainable Sites Initiative.

J. SIGNS

1. Signs, including those for a residential development, shall be consistent with the standards for businesses for the DB district in the Flemington Borough Land Development Ordinance, with the following exceptions:
 - a. Freestanding signs are prohibited.
 - b. With the exception of a wayfinding sign at the corner of Main Street and Park Avenue stating, "Flemington," which shall have letters that do not exceed 2 feet in height, any wall sign shall be limited to not more than 50 square feet.

K. STREETSCAPE DESIGN

1. Street trees shall be provided along all public streets, consistent with § 1632.A.2.
2. Sidewalks shall be provided along all public streets, consistent with § 1634.
3. Streetscape furnishings, light fixtures, garbage disposal, etc., shall be required for the Main Street and Park Avenue frontages of the site and shall be the same or substantially similar to those specified in the Main Street Streetscape Improvements.
4. Subject to approval by the relevant utility provider, all utilities shall be installed underground.

L. PLANTING AND LIGHTING DESIGN

1. Buffer plantings shall not be required.
2. All lighting shall meet the requirements in the Flemington Borough Land Development Ordinance. All outdoor lighting should be coordinated as to style, material and color. All exterior lighting shall be designed, located, installed and directed in such a manner as to prevent objectionable light at, and across, the property lines to prevent glare at any location on or off of the property. The use of light-emitting diode (LED) fixtures is required for energy efficiency and uniform illumination.

RELATIONSHIP TO PLANNING & OBJECTIVES

The 2010 Master Plan, as supplemented by the 2015 Master Plan Reexamination Report, outlines the vision for the future of Flemington Borough. The Master Plan outlines several goals and objectives related to residential and commercial development within the Borough. The goals and objectives that are relevant to the Redevelopment Area are as follows:

“Employ strategies to encourage community and economic development within the Borough.”

“Integrate residential and commercial segments of Flemington Borough to benefit the entire community.”

“Strengthen and enhance the commercial sector of the Borough, with an emphasis on attracting specialty retail and restaurants, and encouraging the redevelopment of underutilized properties particularly those within the Downtown Business District.”

“Concentrate retail, service, and entertainment uses which best contribute to creating a vibrant downtown and that will draw residents and visitors alike to the retail portion of Main Street (Downtown Business I and II) and nearby surrounding properties, and the Liberty Village and Turntable Junction Area.”

“Provide opportunities for appropriately scaled and located residential development to encourage redevelopment/revitalization of underutilized properties and to provide opportunity for additional market support for the retail, service, and entertainment portions of Main Street (Downtown Business I and II) and nearby surrounding properties, and the Liberty Village and Turntable Junction Area.”

The Master Plan highlights the importance of strengthening, integrating, and encouraging residential and commercial development within the Borough. Although the Master Plan goals emphasize commercial redevelopment in the Downtown Business District and southern portions of the Borough, it also recognizes the importance of providing varying scales of residential and commercial development. The Redevelopment Plan is consistent with goals and objectives outlined in the Master Plan.

The Historic Preservation Element of the 2010 Master Plan, and associated 2020 Amendment, outline goals and recommendations specifically tailored to the historic preservation in the Borough. The goals and objectives that are relevant to the Redevelopment Area are as follows:

1) Locate, designate, protect and maintain Flemington's most important historic sites and district(s).

2) Maintain the historic character of Flemington's historic commercial and institutional resources while encouraging their development as commercial and cultural assets.

- *Encourage preservation and adaptive reuse.*

4) Contribute to the improvement of the economy of Flemington by encouraging expenditures for the restoration and/or adaptive reuse of historic buildings for local purposes and to encourage and promote tourism."

"Work to prevent deterioration and demolition of historic structures."

"Encourage preservation and rehabilitation of all historic structures in the Historic District to preserve and enhance Flemington's historic character and ambiance, thus encouraging heritage tourism."

The Redevelopment Area is located in the Transition Commercial (TC) Zoning District. The purpose of the TC District is to provide areas for more intensive commercial uses commonly with a wholesale component or outdoor which were developed in proximity to rail lines or highways. The full list of permitted principal and accessory uses can be found in §2618 of the Borough's Land Development Ordinance. Examples of permitted principal uses include grocery stores, breweries, lawn and garden centers, and other retail commercial uses.

The Redevelopment Area is also located in the Redevelopment Office/Senior Housing (ROSH) Overlay District. The purpose of the ROSH Overlay Zone is to provide alternative uses for the area generally bounded by portions of the following roads: Walter Foran Boulevard, Hopewell Avenue, and Park Avenue. Additionally, the purpose of the overlay zone includes the following:

1. Promote development of compact, pedestrian-oriented mixed uses including assisted living senior citizen residential with retail, office and open space;
2. Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage, and town center businesses;

3. Promote the health and well-being of residents by encouraging physical activities and greater social interaction.

The Redevelopment Area is located in the northern portion of the Borough, close to the municipal boundary with Raritan Township. In between the redevelopment area and the municipal boundary are multifamily residential uses. The adjacent properties in Raritan Township are located in the R-6 Residential, R-6LM Low- and Moderate-Income Housing, and B-2 Commercial Zoning Districts. The R-6 and R-6LM permit residential uses. The B-2 district permits commercial uses including retail service, banks, and professional offices.

The New Jersey State Development and Redevelopment Plan (SDRP) is a statewide policy document that is meant to act as a guide for public and private sector investments throughout the state. The Plan outlines and designates areas as various Planning Areas. The Redevelopment Area is within the Fringe Planning Area (PA-3). The Fringe Planning Area is meant to:

“Accommodate growth in Centers; protect the Environs primarily as open lands; revitalize cities and towns; protect the character of existing stable communities; protect natural resources; provide a buffer between more developed Metropolitan and Suburban Planning Areas and less developed Rural and Environmentally Sensitive Planning Areas; and confine - programmed sewers and public water services to Centers.”

Additionally, the Borough of Flemington, including the Redevelopment Area, is a State Plan Designated Center. Designated Centers are areas that contain compact forms of development. In the Fringe Planning Area, it is the intent of the State Plan, that centers accommodate future growth since they are already served by municipal infrastructure. Redevelopment of the site with a residential use is consistent the State Plan and Center designation.

Exhibit A. Concept Plan



LEGEND

- ▲ PEDESTRIAN ACCESS TO PARK
- △ ADA PEDESTRIAN ACCESS TO PARK
- ↕↑ VEHICULAR ACCESS TO PARKING
- TERRACES/BALCONIES

PROJECT STATISTICS

- 11 TOWNHOUSES
- 100 APARTMENT UNITS INCLUDING REQ. AFFORDABLE UNITS IN NORTH AND SOUTH BUILDING
- 200 TOTAL PARKING SPACES



SITE PLAN

STUDIO 1200 ARCHITECTURE + DESIGN | 511 MILLBURN AVE. STE 1, SHORT HILLS, NJ 07078 | STUDIO1200.COM

FLEMINGTON REDEVELOPMENT
11/15/2022

Exhibit B.

Concept Building Renderings



VIEW 1: GATEWAY

STUDIO 1200 ARCHITECTURE + DESIGN | 511 MILLBURN AVE. STE 1, SHORT HILLS, NJ 07078 | STUDIO1200.COM

FLEMINGTON REDEVELOPMENT
11/15/2022

Attachment: 221123 Cardinal Capital RD Plan (2022-30 : Amending a Portion of the “Global Agway Redevelopment Plan”)



VIEW 2: TOWNHOUSE AERIAL

STUDIO 1200 ARCHITECTURE + DESIGN | 511 MILLBURN AVE. STE 1, SHORT HILLS, NJ 07078 | STUDIO1200.COM

FLEMINGTON REDEVELOPMENT
11/15/2022

Attachment: 221123 Cardinal Capital RD Plan (2022-30 : Amending a Portion of the “Global Agway Redevelopment Plan”)



VIEW 3: PARK AVE.

STUDIO 1200 ARCHITECTURE + DESIGN | 511 MILLBURN AVE. STE 1, SHORT HILLS, NJ 07078 | STUDIO1200.COM

FLEMINGTON REDEVELOPMENT
11/15/2022

Attachment: 221123 Cardinal Capital RD Plan (2022-30 : Amending a Portion of the “Global Agway Redevelopment Plan”)

Mayor and Common Council38 Park Avenue
Flemington, NJ 08822Meeting: 11/28/22 07:30 PM
Department: Governing Body
Category: Council Ordinance
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:**TABLED****ORDINANCE 2022-28**

DOC ID: 3952

Establishing No-Parking Zones on Broad Street

WHEREAS, the Borough Engineer conducted a traffic study regarding Broad Street parking restrictions; and

WHEREAS, the Borough Engineer has determined that the following parking restrictions on Broad Street be implemented:

- No parking on the west side of Broad Street between Church Street and NJ Route 12.
- No parking on the east side of Broad Street from a point 25 feet south of the southerly curblineline of Walters Lane to a point 25 feet north of the northerly curblineline of Walters Lane.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Common Council by the Borough of Flemington, County of Hunterdon, State of New Jersey that the Borough Police Department as follows:

NOW THEREFORE BE IT ORDAINED, by the Mayor and Common Council by the Borough of Flemington, County of Hunterdon, State of New Jersey as follows:

1. Section 7A-1, Schedule I of the Code of the Borough of Flemington entitled, "No Parking," is amended as follows (deletions noted in strikethrough ~~thus~~ and additions noted in bold italic **thus**):

Name of Street	Sides	Location
Broad Street	West	From Church Street to NJ Route 12 From Route 12 to a point 762 feet north thereof.
Broad Street	West	From the southerly curblineline of Church Street to a point 102 feet south thereof.
Broad Street	East	From a point 25 feet south of the southerly curblineline of Walters Lane to a point 25 feet north of the northerly curblineline of Walters Lane

2. The Borough Police Department is authorized to install the appropriate signage consistent with this ordinance.

3. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.
4. All ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.
5. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

Introduced: November 14, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

HISTORY:

11/14/22

Governing Body

INTRODUCED

Next: 11/28/22

Ordinance 2022-28 was read by title by Mayor Driver

TRAFFIC ENGINEERING REPORT

FOR THE STUDY OF

BROAD STREET PARKING RESTRICTIONS

LOCATED IN THE BOROUGH OF FLEMINGTON

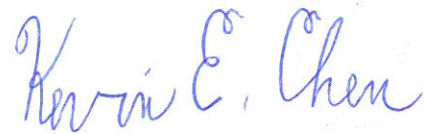
HUNTERDON COUNTY, NEW JERSEY

September 2022

Prepared By:



James C. Watson, P.E., PTOE
N.J. LIC. NO. 24GE04452800



Kevin E. Chen, P.E., PTOE
N.J. LIC. NO. 24GE04870000



CONSULTING AND MUNICIPAL ENGINEERS
3141 BORDENTOWN AVENUE, PARLIN, NEW JERSEY 08859 (732) 727-8000
1460 ROUTE 9 SOUTH, HOWELL, NEW JERSEY 07731 (732) 462-7400

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
 DAVID J. SAMUEL, PE, PP, CME
 JOHN J. STEFANI, PE, LS, PP, CME
 JAY B. CORNELL, PE, PP, CME
 MICHAEL J. McCLELLAND, PE, PP, CME
 GREGORY R. VALES, PE, PP, CME



September 14, 2022

TIMOTHY W. GILLEN, PE, PP, CME
 BRUCE M. KOCH, PE, PP, CME
 LOUIS J. PLOSKONKA, PE, CME
 TREVOR J. TAYLOR, PE, PP, CME
 BEHRAM TURAN, PE, LSRP
 LAURA J. NEUMANN, PE, PP
 DOUGLAS ROHMEYER, PE, CFM, CME
 ROBERT J. RUSSO, PE, PP, CME
 JOHN J. HESS, PE, PP, CME

Mr. Michael Campion
 Director of Public Works
 Borough of Flemington
 38 Park Avenue
 Flemington, NJ 08822

**Re: Study of Broad Street Parking Restrictions
 Borough of Flemington, Hunterdon County, New Jersey
 Our File No.: PFM00501.01**

Dear Mr. Campion:

Introduction

In accordance with our authorization, we have reviewed the current conditions along Broad Street between Church Street and NJ Route 12 in order to evaluate the elimination of on-street parking on one side along Broad Street. The scope of our evaluation included the following elements: a field inventory of existing conditions, a review of Borough Design and RSIS standards to identify deficiencies revealed by the existing measurements with parking allowed on both sides, an analysis of crash data for the last three years provided by the Borough of Flemington Police Department, and a review of the existing Borough Ordinances to evaluate any existing parking restrictions. Our findings are provided in this report herein.

Evaluation of Existing Conditions

Broad Street between Church Street and NJ Route 12 is a Municipal roadway approximately 1,345 feet in length and 30 feet wide with a north-south orientation and a posted speed limit of 25 MPH. Sidewalk exists continuously on at least one side for the entire length of the roadway between Church Street and NJ Route 12. The existing land uses along Broad Street consist of single-family residential homes, apartment complexes, commercial businesses, a dentist office, and an urgent care center. Currently, on-street parking is allowed for portions along Broad Street on both sides.

During our review of the current parking restriction ordinances under the Borough of Flemington, it was revealed that there are currently three (3) parking restriction ordinances already in place along Broad Street between Church Street and NJ Route 12. The aforementioned parking restrictions are listed as follows:

- Broad Street, no parking allowed on the west side from NJ Route 12 to 762 ft. north thereof



Mr. Michael Campion
 Director of Public Works
 Borough of Flemington
 Re: Broad Street Parking Restrictions
 Traffic Study Report

September 14, 2022
 Our File No. PFM00501.01
 Page 3

- Broad Street, no parking allowed on the east side from Church Street to 170 ft. south thereof
- Broad Street, no parking allowed on the west side from Church Street to 102 ft. south thereof

The current list of the NO PARKING restrictions schedule can be found in the Appendix. In addition, the current restrictions are depicted on the Broad Street study area map included in the Appendix.

Collision Data Collection and Analyses

The most recent collision data was obtained from the Borough of Flemington Police Department on June 8, 2022. The reports received included direction of vehicles, types of crashes, date of crash, time of day, weather conditions and the severity of the crashes. Our review of the data provided indicates that there were twelve (12) motor vehicle crashes recorded along the Broad Street corridor between Church Street and NJ Route 12 within the past three (3) years. Of the twelve collisions, seven (7) crashes involved rear-end collisions, two (2) crashes involved right-angle collisions, one (1) crash involved a collision where a pedestrian was struck and two (2) collisions where a parked vehicle was struck. While the majority of the collisions reviewed involved rear-end collisions at the intersection of Broad Street and NJ Route 12 with vehicles stopping to enter NJ Route 12, it does appear that multiple collisions involved collisions with parked vehicles that may be correctable through the implementation of further parking restrictions. The full collision report history can be found in the Appendix.

Review of Residential Site Improvement Standards (RSIS)

The RSIS for the parking, curbing, and roadway width are based on the intensity of the residential developments. The RSIS intensity of each development is calculated based on the number of dwelling units per gross acre. These development intensities are categorized as follows:

INTENSITY	DWELLING UNITS PER GROSS ACRE
Low	Less than or equal to 4
Medium	More than 4 and less than or equal to 8
High	More than 8

In order to classify Broad Street between Church Street and NJ Route 12 under the proper RSIS street intensity category, the dwellings on Broad Street between our study area were



Mr. Michael Campion
 Director of Public Works
 Borough of Flemington
 Re: Broad Street Parking Restrictions
 Traffic Study Report

September 14, 2022
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 Page 4

summed per gross acre. The total number of dwellings (72) were then divided by the number of gross acres where residential dwellings are located (9), calculating a value of 8.0. Using the RSIS method of identifying the number of dwellings per gross acre, it was evaluated that Broad Street between Church Street and NJ Route 12 would be classified under the medium intensity street classification category.

While Broad Street between Church Street and NJ Route 12 does have characteristics of a lower order residential roadway, there is a mix of commercial businesses between this segment on Broad Street. It should be noted that Broad Street connects to Church Street and NJ Route 12, which are both classified by the NJDOT as urban minor arterial roadways. Additionally, Main Street and NJ Route 31, which are roadways adjacent to Broad Street, are also classified by the NJDOT as an urban minor arterial and urban principal arterial roadway respectively. Therefore, for purposes of this traffic evaluation, Broad Street is believed to be considered a minor collector roadway. The corresponding traveled way, cartway width, and number of parking lanes based on the RSIS design standards is as follows:

INTENSITY	TRAVELED WAY	CARTWAY WIDTH	No. OF PARKING LANES
Low (with no parking)	20 feet	20 feet	0
Low (one parking lane)	21 feet	28 feet	1
Medium (one parking lane)	21 feet	28 feet	1
Medium (two parking lanes)	22 feet	36 feet	2
High (one parking lane)	21 feet	28 feet	1
High (two parking lanes)	22 feet	36 feet	2

Based on the standards provided by RSIS, Broad Street is considered substandard for parking to be allowed on both sides of the street. Currently, Broad Street, which has a north-south orientation between Church Street and NJ Route 12, has a roadway width of 30 ft. with parking allowed on both sides of the roadway where there are no parking restrictions under the Borough of Flemington's Ordinance. In order to satisfy the RSIS requirements, parking would have to be restricted entirely for at least 1 side of the roadway along Broad Street between Church Street and NJ Route 12. Table 4.2 and Table 4.3 of the RSIS and the NJDOT Straight Line Diagrams for roadways adjacent to Broad Street, has been included in the Appendix.



Mr. Michael Campion
Director of Public Works
Borough of Flemington
Re: Broad Street Parking Restrictions
Traffic Study Report

September 14, 2022
Our File No. PFM00501.01
Page 5

Recommendations and Considerations

Broad Street between Church Street and NJ Route 12 has a north-south orientation. On the west and east side of Broad Street between Church Street and NJ Route 12, there are three (3) parking restrictions as follows:

- No parking allowed on the west side from NJ Route 12 to 762 ft. north thereof
- No parking allowed on the east side from Church Street to 170 ft. south thereof.
- No parking allowed on the west side from Church Street to 102 ft. south thereof.

Based on our review and evaluation of the Borough of Flemington Ordinances, RSIS, crash report data, and the existing conditions along Broad Street between Church Street and NJ Route 12, we hereby recommend that on-street parking on the west side of Broad Street between Church Street and NJ Route 12 be restricted for the entire length. The west side of Broad Street already has extensive parking restrictions in place, which only leaves a distance of 280 ft. where parking is currently allowed. This action will allow Broad Street to satisfy the RSIS requirement of a 21-foot minimum traveled way width throughout the roadway along Church Street and NJ Route 12. Additionally, in accordance with Title 39 section 39:4-138, it should be noted that parking should not be allowed within 25 ft. of the intersection of Broad Street and Walters Lane. To satisfy this code, parking between 25 ft. to the south of Walters Lane and 25 ft. to the north of Walters Lane on the east side of Broad Street at the intersection of Walters Lane shall be restricted in addition to the existing on-street parking restriction on the east side of Broad Street that is already specified in the Borough's Ordinance.



Mr. Michael Campion
Director of Public Works
Borough of Flemington
Re: Broad Street Parking Restrictions
Traffic Study Report

September 14, 2022
Our File No. PFM00501.01
Page 6

Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,
CME ASSOCIATES

James C. Watson, P.E., PTOE
Project Manager

Kevin E. Chen, P.E., PTOE
Professional Engineer

cc: Jerome Harris

Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

TECHNICAL APPENDIX

FOR THE STUDY OF

Broad Street Parking Restrictions between Church Street and NJ Route 12

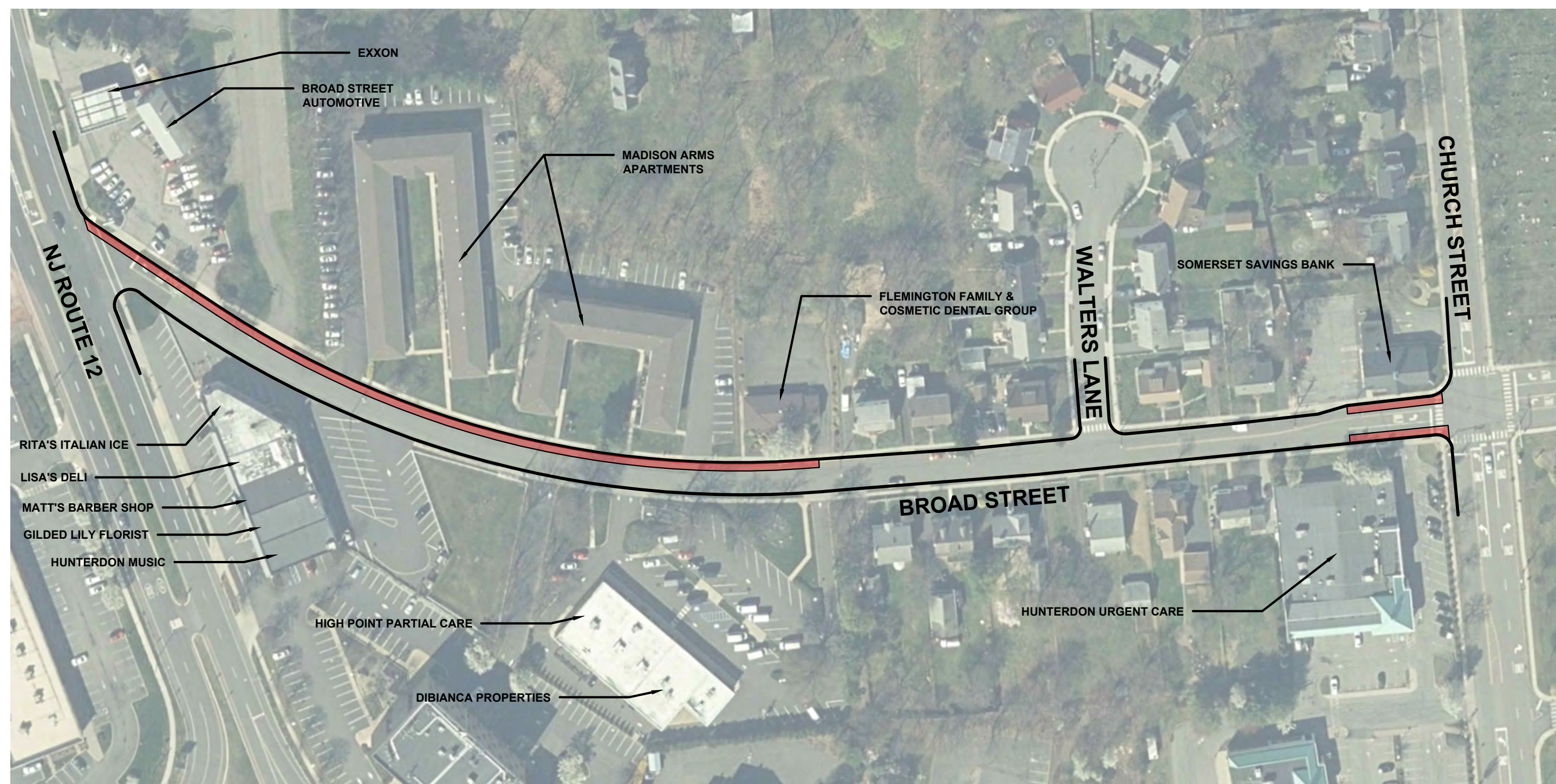
- Study Area Map
- NJDOT Straight Line Diagrams
- Crash Summary Table and Crash Reports
- Flemington Parking Restriction Ordinances for Broad Street
- Residential Site Improvement Standards Reference Tables



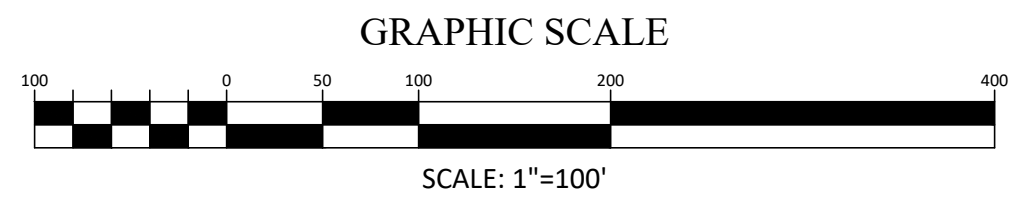
Study Area Map

For


**Parking Restrictions on Broad Street between Church
Street and NJ Route 12**



 EXISTING PARKING RESTRICTION
FLEMINGTON BOROUGH ORDINANCE #7A-1



BOROUGH OF FLEMINGTON, NEW JERSEY
BROAD STREET PARKING RESTRICTION STUDY AREA



CONSULTING AND MUNICIPAL ENGINEERS



NJDOT Straight Line Diagrams

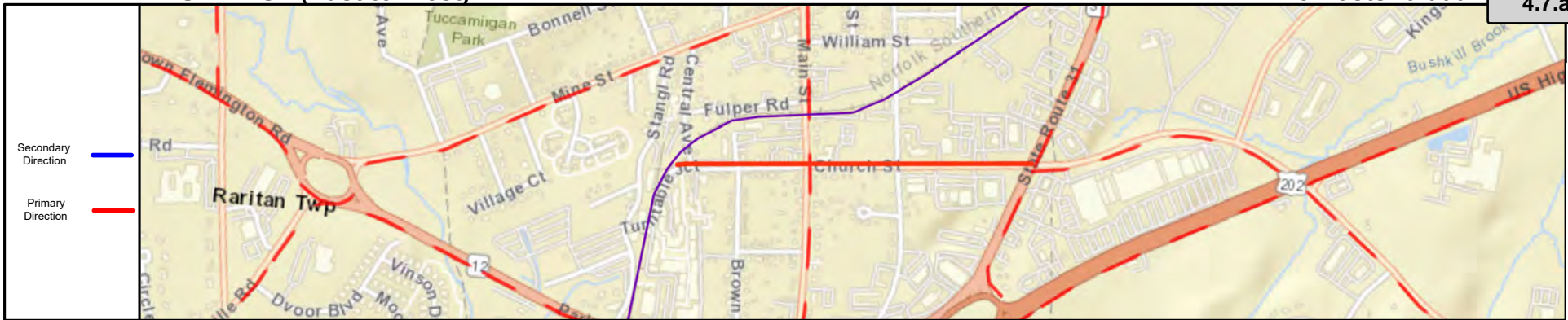
For

**Parking Restrictions on Broad Street between Church
Street and NJ Route 12**

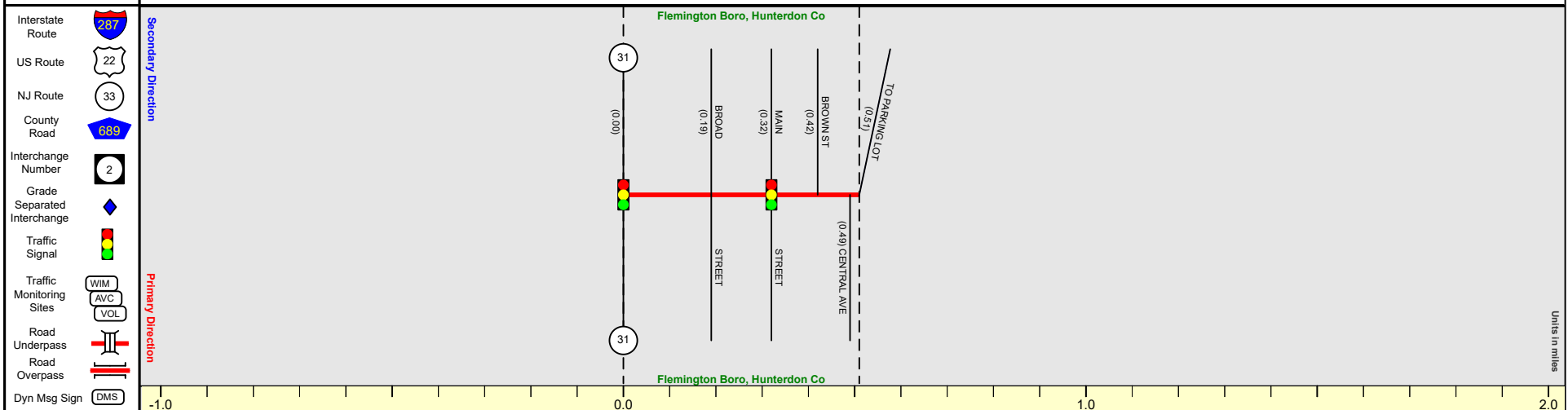
CHURCH ST (East to West)

Mile Posts: 0.000 -

4.7.a



Pavement	
Shoulder	
Number of Lanes	
Speed Limit	
Street Name	



Street Name	Church Street
Jurisdiction	Municipal
Functional Class	Urban Minor Arterial
Federal Aid - NHS Sy	STP
Control Section	
Speed Limit	25
Number of Lanes	3 + 2
Med. Type	None
Med. Width	
Pavement	48 + 28
Shoulder	
Traffic Volume	
Traffic Sta. ID	
Structure No.	
Enlarged Views	

SRI = 10091005_

Date last inventoried: June 2016

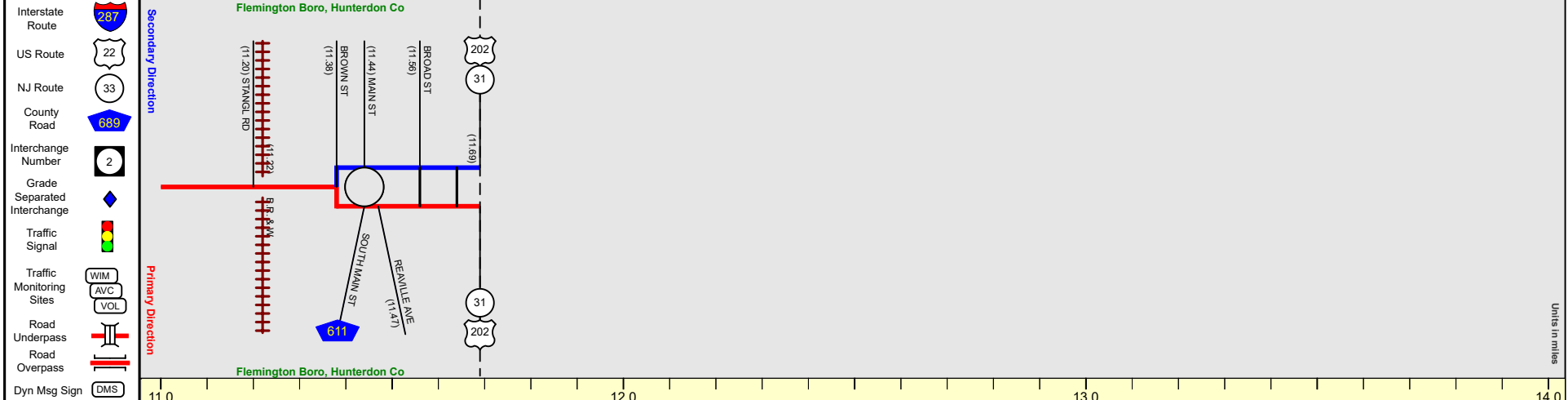
Packet Pg. 110

Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking

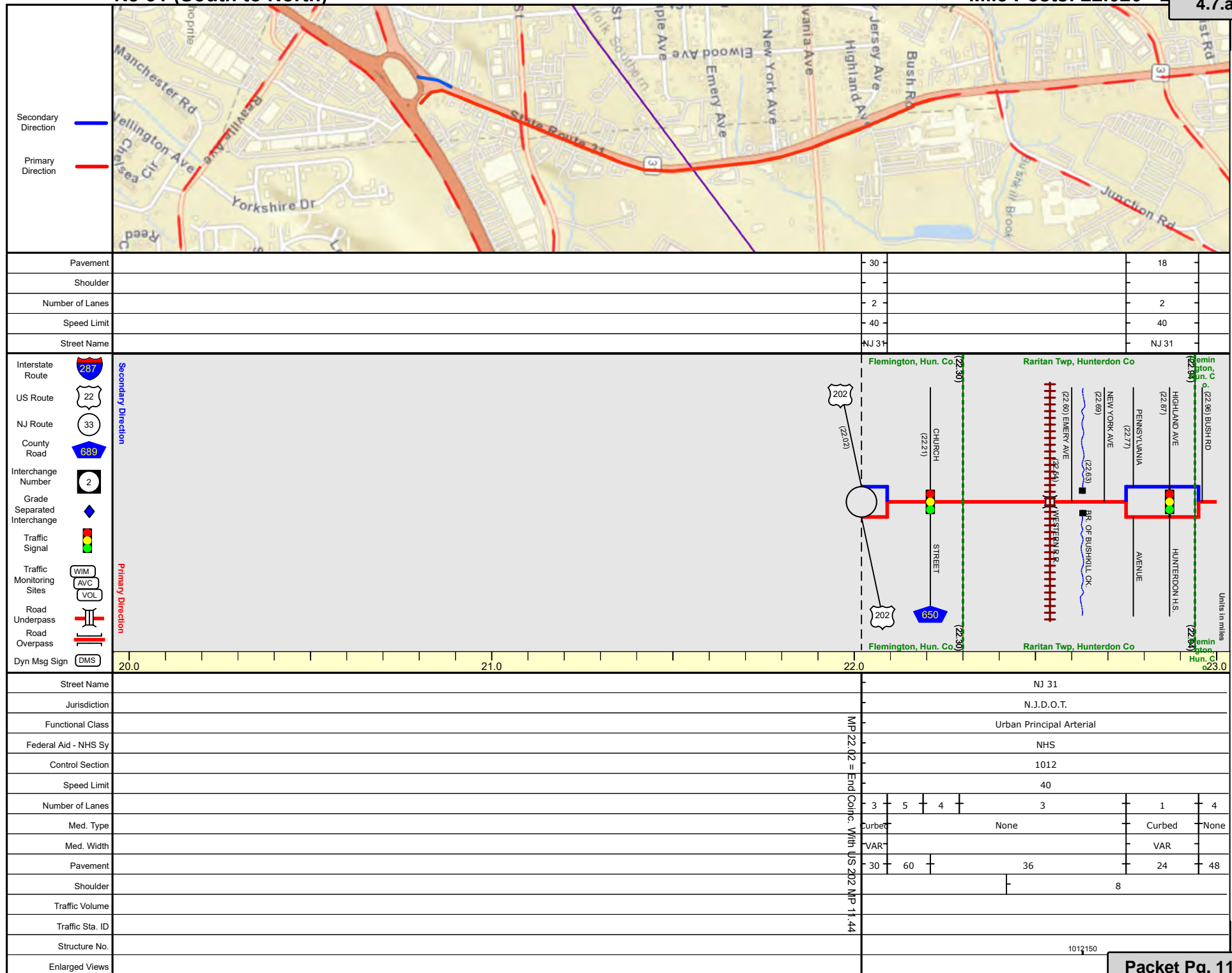
: June,



Pavement		30	24	
Shoulder			8	
Number of Lanes		1	2	
Speed Limit		40	30	
Street Name		Samuel Hill Highway		



Street Name	Parker Avenue + NJ 12		
Jurisdiction	N.J.D.O.T.		
Functional Class	Urban Minor Arterial		
Federal Aid - NHS Sy	STP		
Control Section	1002		
Speed Limit	40		30
Number of Lanes	2	1	2
Med. Type	None		Curbed
Med. Width			VAR
Pavement	24	30	24
Shoulder	8		8
Traffic Volume	14,937 (2016)		12,947 (2019)
Traffic Sta. ID	5-4-314		5-4-315
Structure No.			
Enlarged Views			





Crash Table Summary and Crash Reports

For

**Parking Restrictions on Broad Street between Church
Street and NJ Route 12**

Collision Report Summary - Page 1

Date Range Reported: 01/01/2019 - 12/31/2021

Total Number of Collisions: 12

*Not represented in collision diagram

Report #	Date	Time	Location	Direction of Travel	Distance	Location 2	Type of Collision	Kll.	Inj.	Road Conditions
19062996	5/2/2019	16:00	Broad Street	Southbound	Intersection	NJSH Route 12	Same Direction - Rear End	-	-	Dry
19069815	5/15/2019	17:35	Broad Street	Southbound	Intersection	NJSH Route 12	Same Direction - Rear End	-	-	Dry
19085075	6/10/2019	14:14	Broad Street	Southbound	Intersection	NJSH Route 12	Same Direction - Rear End	-	-	Dry
19119412	8/13/2019	16:09	Broad Street	Southbound	Intersection	NJSH Route 12	Same Direction - Rear End	-	-	Dry
19154404	10/17/2019	18:02	Broad Street	Southbound	Intersection	NJSH Route 12	Same Direction - Rear End	-	-	Dry
19165874	11/7/2019	17:17	Broad Street	Northbound	Intersection	Church Street	Pedestrian	-	1	Wet
20001405	1/3/2020	13:44	Broad Street	Southbound	Intersection	NJSH Route 12	Same Direction - Rear End	-	-	Wet
20021301	2/8/2020	13:50	Broad Street	Southbound	Intersection	NJSH Route 12	Same Direction - Rear End	-	-	Dry
21076798	4/27/2021	14:45	Broad Street	Northbound	1000 ft.	S of Church Street	Same Direction - Rear End	-	1	Dry
21108893	6/16/2021	6:26	Broad Street	Northbound	Intersection	Church Street	Right-Angle	-	-	Dry
21128620	7/17/2021	12:45	Broad Street	Northbound	100 ft.	S of Walters Lane	Struck Parked Vehicle	-	-	Dry
21226465	12/18/2021	20:11	Broad Street	Northbound	200 ft.	S of Walters Lane	Struck Parked Vehicle	-	-	Wet

New Jersey Police
Crash Investigation Report

Case Number

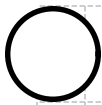
19062996

Page 2 of 3

Names & Addresses of Occupants
If Deceased, Date & Time of Death

	83	84	85	86	87	88	89	90	91	92	93	94	95	
E														
F														
G														
H														
I														
J														

144. Crash Diagram



Show NORTH by Arrow
(Not to Scale)

SEE NJTR-1B

145. Crash Description/Narrative

Vehicle 2 was stopped on Broad St attempting to make a right turn onto Route 12 West when it was rear ended by vehicle 1.

146. Officer's Signature
BULLMAN, B

147. Badge #
49648

148. Reviewer
MCNALLY, B

Badge #
490825

149. Case Status
☐ Pending ☒ Complete

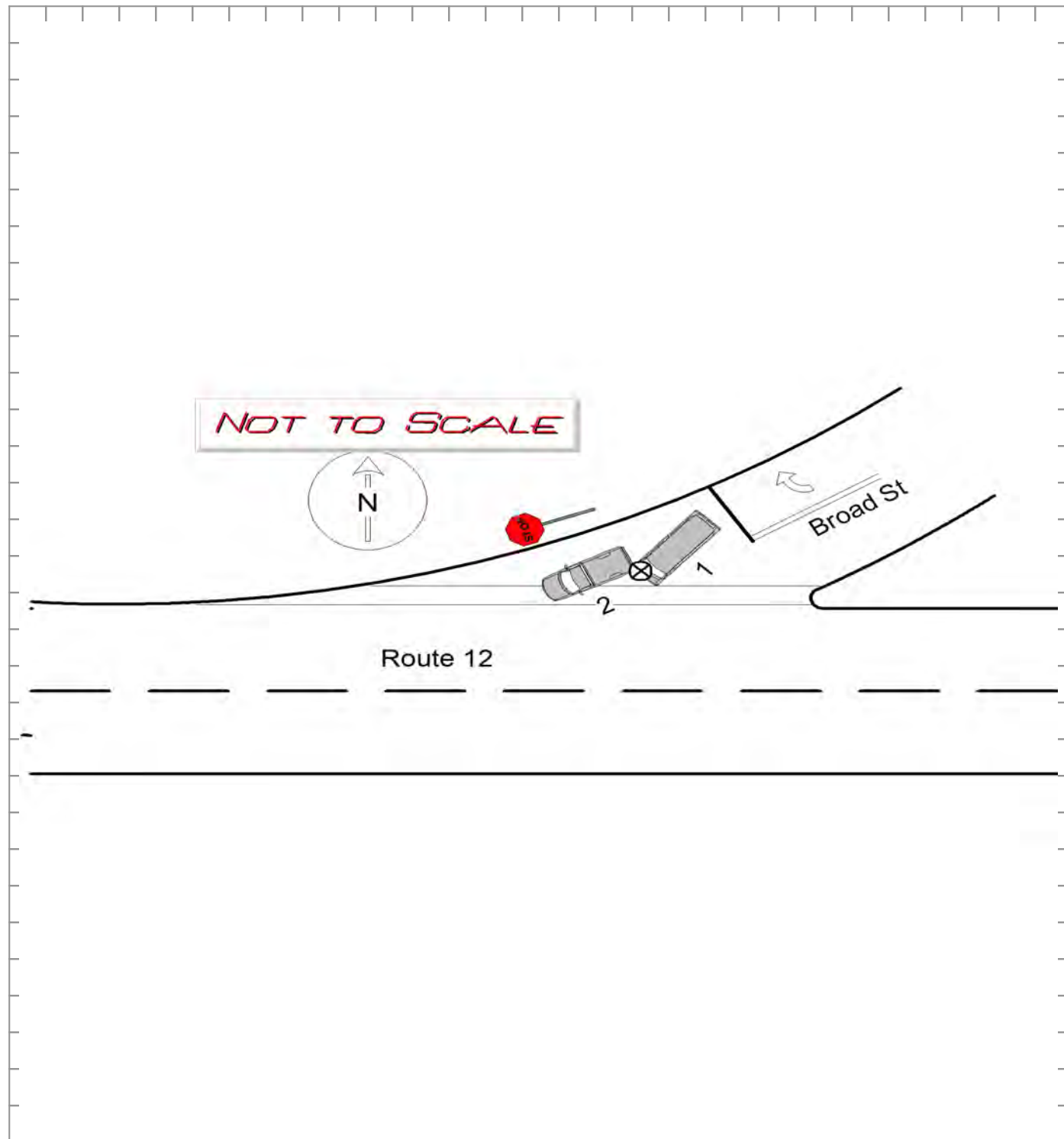
New Jersey Police Crash Investigation Report
Motor Vehicle Crash Diagram

Police Dept: FLEMINGTON BORO PD Code: -

Station: - Case No: 19062996

144 Crash Diagram (NOT TO SCALE)

○ Indicate North



Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

BULLMAN, B

49648

96	05	Page 1 of 3		Fatal		New Jersey Police Crash Investigation Report										<input checked="" type="checkbox"/> Reportable		<input type="checkbox"/> Non-Reportable		<input type="checkbox"/> Change Rep		4.7.a							
97	01	1. Case Number		19069815										10. Crash Occurred On:		BROAD ST		S		11. Speed Limit		25							
98	01	2. Police Dept. of		Code		FLEMINGTON BORO PD 01										Road Name		Dir		12. Route No.		Suffix		13. Milepost					
99	07	3. Station/Precinct												<input checked="" type="checkbox"/> At Intersection with		<input type="checkbox"/> Feet		<input type="checkbox"/> Miles		<input type="checkbox"/> N		<input type="checkbox"/> E		18. Speed Limit					
100a	01	4. Date of Crash		5. Day of Week		6. Time (use 2400 hrs.)		7. Municipality Code		8. Total Killed		9. Total Injured		19. To:		17. Cross Road Name/Route No.		<input type="checkbox"/> NB		<input type="checkbox"/> EB		21. Latitude							
100b	04	23. Veh. #		24. Policy No.		25. NJ Ins. Code		53. Veh. #		54. Policy No.		55. NJ Ins. Code		20. Route Name/Route No.		22. Longitude		<input type="checkbox"/> SB		<input type="checkbox"/> WB									
101	02	26. Driver's First Name		Initial		Last Name		29. Sex		56. Driver's First Name		Initial		Last Name		59. Sex		<input type="checkbox"/> Hit & Run											
102	01	362 ROCK ROAD EAST												46 WERTSVILLE RD															
103	01	28. City		State		Zip		58. City		State		Zip																	
104	02	LAMBERTVILLE		NJ		08530		RINGOES		NJ		08551																	
		30. Eyes		DL Class		Restrictions		Endorsements		31. State		60. Eyes		DL Class		Restrictions		Endorsements		61. State									
		05		D-		01--		00		NJ		02		D-		01--		00		NJ									
105	01	32. Driver's License Number		33. DOB		34. Expires		62. Driver's License Number		63. DOB		64. Expires																	
		B7685 12474 55985		052598		0220		S0253 22500 02902		020890		0519																	
106	02	35. Owner's First Name		Initial		Last Name		65. Owner's First Name		Initial		Last Name																	
		Same as Driver		ROBERT E BRUSH				Same as Driver		LOPEZ SALDANA LLC																			
107	02	36. Number & Street		362 ROCK ROAD EAST										66. Number & Street		46 WERTSVILLE RD													
108	01	37. City		State		Zip		67. City		State		Zip																	
		LAMBERTVILLE		NJ		08530		RINGOES		NJ		08551																	
109	05	38. Make		39. Model		40. Color		41. Year		42. Plate No.		43. State		68. Make		69. Model		70. Color		71. Year		72. Plate No.							
		VW		JET		BK		2012		N18JJV		NJ		FORD		F250		BK		2013		XZT82Y							
110	01	44. VIN		45. Expires		3 V W D P 7 A J 1 C M 3 7 1 2 7 5 11/19										74. VIN		75. Expires		1 F T 7 W 2 B T 1 D E A 5 9 5 6 6 10/19									
111	01	46. Vehicle Removed to:												76. Vehicle Removed to:															
112	-	<input checked="" type="checkbox"/> Driven		<input type="checkbox"/> Towed Disabled		<input type="checkbox"/> Towed Disabled & impounded		<input type="checkbox"/> Driven		<input type="checkbox"/> Towed Disabled		<input type="checkbox"/> Towed Disabled & impounded																	
113	-	<input type="checkbox"/> Left at Scene		<input type="checkbox"/> Towed Impounded		<input checked="" type="checkbox"/> Left at Scene		<input type="checkbox"/> Towed Impounded																					
114	-	47. Authority		<input type="checkbox"/> Owner		<input checked="" type="checkbox"/> Driver		<input type="checkbox"/> Police		77. Authority		<input type="checkbox"/> Owner		<input checked="" type="checkbox"/> Driver		<input type="checkbox"/> Police													
115	-	48. Alcohol/Drug Test		Given: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Refused		Type: <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine		49. Hazardous Material		<input checked="" type="checkbox"/> None <input type="checkbox"/> On Board <input type="checkbox"/> Spill		78. Alcohol/Drug Test		Given: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Refused		Type: <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine		79. Hazardous Material		<input checked="" type="checkbox"/> None <input type="checkbox"/> On Board <input type="checkbox"/> Spill									
116	03	50. Carrier No.		<input type="checkbox"/> USDOT		<input type="checkbox"/> MC/MX		51. GVWR / GCWR		<input type="checkbox"/> ≤ 10,000 lbs.		<input type="checkbox"/> 10,001 - 26,000 lbs.		<input checked="" type="checkbox"/> None		80. Carrier No.		<input type="checkbox"/> USDOT		<input type="checkbox"/> MC/MX		81. GVWR / GCWR							
117	03																												
		52. Motor Carrier or Government Entity												82. Motor Carrier or Government Entity															
		Number & Street												Number & Street															
		City		State		Zip		City		State		Zip																	
		135. Damage to Other Property		<input type="checkbox"/> Yes (if Yes, describe)		<input checked="" type="checkbox"/> No																							
		Oper.		136. Charge		137. Summons No.		Oper.		138. Charge		139. Summons No.																	
										02 39:4(97)		F-110331																	
		Oper.		140. Charge		141. Summons No.		Oper.		142. Charge		143. Summons No.																	
										02 39:3-40		F-110332																	
		83		84		85		86		87		88		89		90		91		92		93							
		A		01		01		05		20		F		-		-		-		11		04							
		B		02		01		05		29		M		-		-		-		11		04							
		C																											
		D																											

New Jersey Police
Crash Investigation Report

Case Number

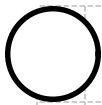
19069815

Page 2 of 3

Names & Addresses of Occupants
If Deceased, Date & Time of Death

	83	84	85	86	87	88	89	90	91	92	93	94	95	
E														
F														
G														
H														
I														
J														

144. Crash Diagram



Show NORTH by Arrow
(Not to Scale)

SEE NJTR-1B

145. Crash Description/Narrative

Driver 1 was stopped attempting to merge onto Route 12 west bound when she was struck from behind by vehicle 2.

146. Officer's Signature
BULLMAN, B

147. Badge #
49648

148. Reviewer
MARIASCHIN, M

Badge #
49587

149. Case Status
☐ Pending ☒ Complete

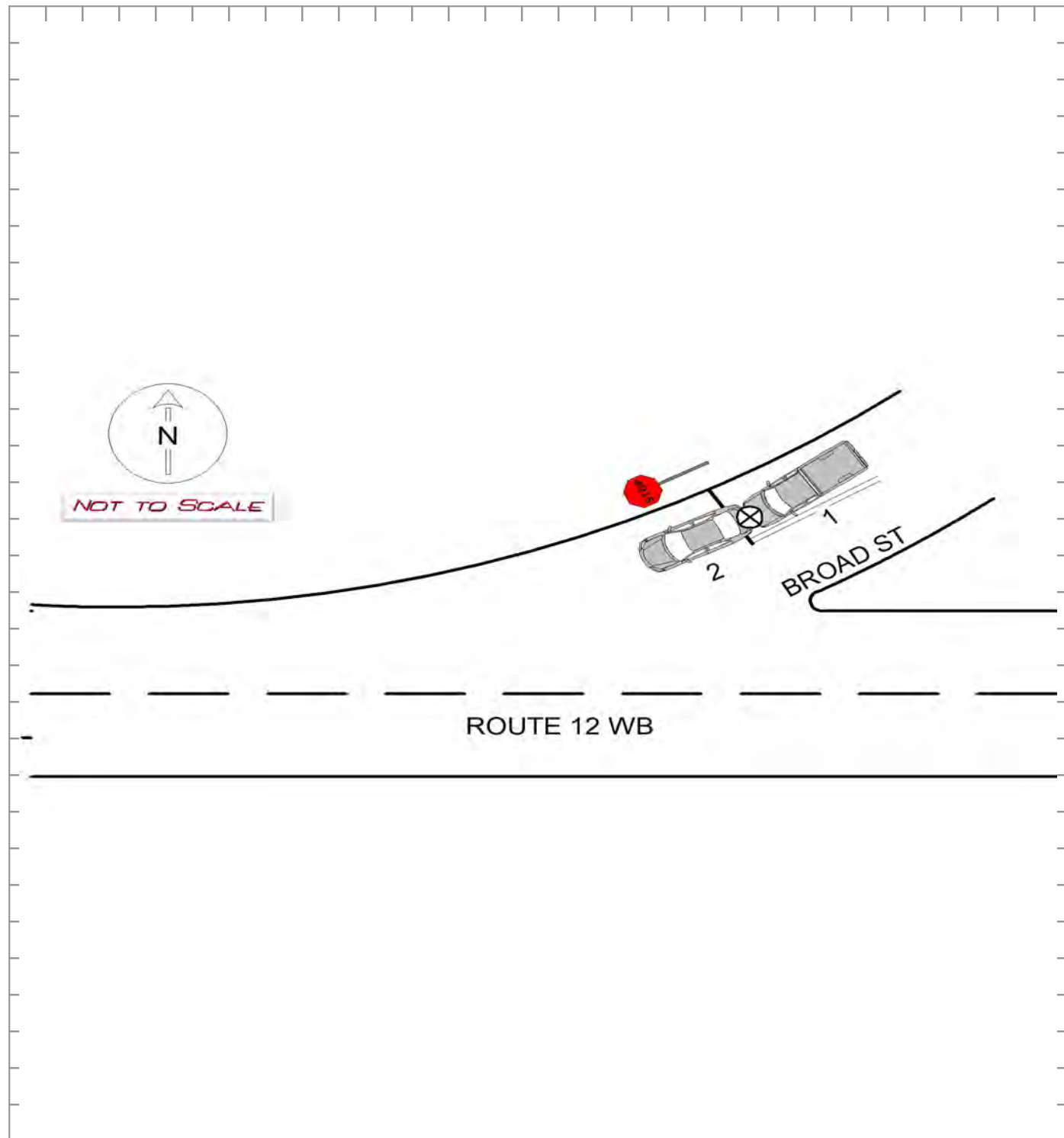
New Jersey Police Crash Investigation Report
Motor Vehicle Crash Diagram

Police Dept: FLEMINGTON BORO PD Code: 01

Station: - Case No: 19069815

144 Crash Diagram (NOT TO SCALE)

○ Indicate North



Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

BULLMAN, B

49648

96	05	Page 1 of 3		Fatal		New Jersey Police Crash Investigation Report										<input checked="" type="checkbox"/> Reportable		<input type="checkbox"/> Non-Reportable		<input type="checkbox"/> Change Rep		4.7.a																													
97	01	1. Case Number		19085075										10. Crash Occurred On:		BROAD ST		S		11. Speed Limit		25																													
98	01	2. Police Dept. of		Code		FLEMINGTON BORO PD 01										Road Name		Dir		12. Route No.		Suffix		13. Milepost																											
99	07	3. Station/Precinct												At Intersection with		Feet		Miles		14		15		16																											
100a	01	4. Date of Crash		5. Day of Week		6. Time (use 2400 hrs.)		7. Municipality Code		8. Total Killed		9. Total Injured		17. Cross Road Name/Route No.		18. Speed Limit		30		19. To: 17. Cross Road Name/Route No.		20. Route Name/Route No.		21. Latitude		22. Longitude																									
100b	04	23. Veh. #		24. Policy No.		25. NJ Ins. Code		53. Veh. #		54. Policy No.		55. NJ Ins. Code		26. Driver's First Name		Initial		Last Name		29. Sex		56. Driver's First Name		Initial		Last Name		59. Sex																							
101	02	27. Number & Street		113 PETTICOAT LANE										28. City		State		Zip		LEBANON		NJ		08833		58. City		State		Zip																					
102	01	28. City		State		Zip		LEBANON		NJ		08833		58. City		State		Zip		WINDSOR		NJ		08561		60. Eyes		DL Class		Restrictions		Endorsements		61. State																	
103	01	30. Eyes		DL Class		Restrictions		Endorsements		31. State		60. Eyes		DL Class		Restrictions		Endorsements		61. State		NJ		NJ		NJ		NJ		NJ		NJ																			
104	02	32. Driver's License Number		33. DOB		34. Expires		62. Driver's License Number		63. DOB		64. Expires		35. Owner's First Name		Initial		Last Name		65. Owner's First Name		Initial		Last Name		36. Number & Street		37. City		State		Zip																			
105	01	D0562		26879		09986		L6401		39573		62764		KIMBERLY J DARCY		OF AMERICA SELECTIVE INS CO		113 PETTICOAT LANE		40 WANTAGE AVE		LEBANON		NJ		08833		BRANCHVILLE		NJ		07890																			
106	02	38. Make		39. Model		40. Color		41. Year		42. Plate No.		43. State		68. Make		69. Model		70. Color		71. Year		72. Plate No.		73. State		44. VIN		45. Expires		74. VIN		75. Expires																			
107	02	PON		VIB		BK		2003		C54KFL		NJ		NIS		ROG		BK		2018		Z17KGY		NJ		5 Y 2 S M 6 2 8 9 3 Z 4 5 5 0 1 3		07/19		5 N 1 A T 2 M V 9 J C 8 3 5 7 6 5		08/20																			
108	01	46. Vehicle Removed to:												47. Authority		48. Alcohol/Drug Test		49. Hazardous Material		76. Vehicle Removed to:												77. Authority		78. Alcohol/Drug Test		79. Hazardous Material															
109	04	48. Alcohol/Drug Test		49. Hazardous Material		78. Alcohol/Drug Test		79. Hazardous Material		50. Carrier No.		51. GVWR / GCWR		80. Carrier No.		81. GVWR / GCWR		52. Motor Carrier or Government Entity												82. Motor Carrier or Government Entity																					
110	01	50. Carrier No.		51. GVWR / GCWR		80. Carrier No.		81. GVWR / GCWR		52. Motor Carrier or Government Entity												82. Motor Carrier or Government Entity												135. Damage to Other Property		Yes (if Yes, describe)		No		Oper.		136. Charge		137. Summons No.		Oper.		138. Charge		139. Summons No.	
111	01	52. Motor Carrier or Government Entity												135. Damage to Other Property		Yes (if Yes, describe)		No		Oper.		136. Charge		137. Summons No.		Oper.		138. Charge		139. Summons No.		Oper.		140. Charge		141. Summons No.		Oper.		142. Charge		143. Summons No.									
112	-	53. Motor Carrier or Government Entity												140. Charge		141. Summons No.		Oper.		142. Charge		143. Summons No.		Oper.		144. Charge		145. Summons No.		Oper.		146. Charge		147. Summons No.		Oper.		148. Charge		149. Summons No.											
113	-	54. Motor Carrier or Government Entity												146. Charge		147. Summons No.		Oper.		148. Charge		149. Summons No.		Oper.		150. Charge		151. Summons No.		Oper.		152. Charge		153. Summons No.		Oper.		154. Charge		155. Summons No.											
114	-	55. Motor Carrier or Government Entity												152. Charge		153. Summons No.		Oper.		154. Charge		155. Summons No.		Oper.		156. Charge		157. Summons No.		Oper.		158. Charge		159. Summons No.		Oper.		160. Charge		161. Summons No.											
115	-	56. Motor Carrier or Government Entity												158. Charge		159. Summons No.		Oper.		160. Charge		161. Summons No.		Oper.		162. Charge		163. Summons No.		Oper.		164. Charge		165. Summons No.		Oper.		166. Charge		167. Summons No.											
116	03	57. Motor Carrier or Government Entity												164. Charge		165. Summons No.		Oper.		166. Charge		167. Summons No.		Oper.		168. Charge		169. Summons No.		Oper.		170. Charge		171. Summons No.		Oper.		172. Charge		173. Summons No.											
117	03	58. Motor Carrier or Government Entity												170. Charge		171. Summons No.		Oper.		172. Charge		173. Summons No.		Oper.		174. Charge		175. Summons No.		Oper.		176. Charge		177. Summons No.		Oper.		178. Charge		179. Summons No.											
		83		84		85		86		87		88		89		90		91		92		93		94		95		Names & Addresses of Occupants		If Deceased, Date & Time of Death																					
		01		01		01		05		20		M		-		-		-		11		04		-		-		FREDERICK R DARCY 113 PETTICOAT LANE		LEBANON NJ 08833																					
		02		01		01		05		42		F		-		-		-		11		04		-		-		JENNIFER L LONG P.O. BOX 471 WINDSOR NJ 08561																							

New Jersey Police
Crash Investigation Report

Case Number

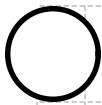
19085075

Page 2 of 3

Names & Addresses of Occupants
If Deceased, Date & Time of Death

	83	84	85	86	87	88	89	90	91	92	93	94	95	
E														
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H														
I														
J														

144. Crash Diagram



Show NORTH by Arrow
(Not to Scale)

SEE NJTR-1B

145. Crash Description/Narrative

VEHICLE 1 STRUCK THE BACK OF VEHICLE 2 WHILE BOTH VEHICLES WERE AT A STOP SIGN ON BROAD ST.

146. Officer's Signature
CANALE, P

147. Badge #
4916351

148. Reviewer
MARIASCHIN, M

Badge #
49587

149. Case Status
☐ Pending ☒ Complete

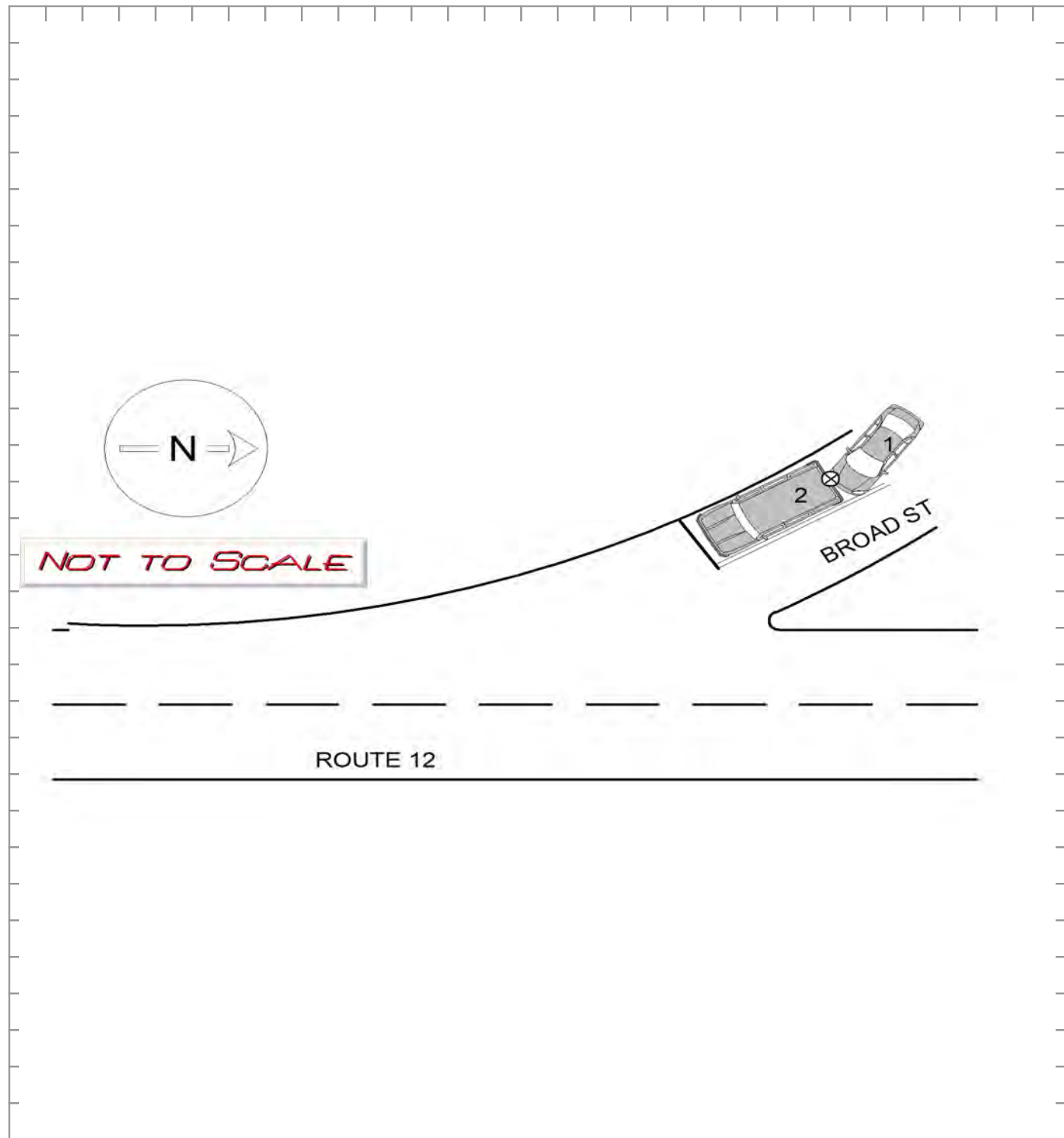
New Jersey Police Crash Investigation Report
Motor Vehicle Crash Diagram

Police Dept: FLEMINGTON BORO PD Code: 01

Station: - Case No: 19085075

144 Crash Diagram (NOT TO SCALE)

○ Indicate North



Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

CANALE, P

4916351

96	05	Page 1 of 3		New Jersey Police Crash Investigation Report		<input checked="" type="checkbox"/> Reportable		<input type="checkbox"/> Non-Reportable		<input type="checkbox"/> Change Rep		4.7.a	
97	01	1. Case Number		19119412		10. Crash Occurred On:		BROAD ST		11. Speed Limit		25	
98	01	2. Police Dept. of		FLEMINGTON BORO PD		Code		01		12. Route No.		30	
99	07	3. Station/Precinct				14. At Intersection with		STATE HWY NO 12 HWY		18. Speed Limit		30	
100a	01	4. Date of Crash		08/13/19		5. Day of Week		Th		6. Time (use 2400 hrs.)		1609	
100b	04	23. Veh. #		A0J-238-199526-70 9 8		25. NJ Ins. Code		370		53. Veh. #		02	
101	02	26. Driver's First Name		CORY		Initial		P		Last Name		ORLANDO 4TH	
102	01	27. Number & Street		53A BROAD STREET FL 2		29. Sex		M		56. Driver's First Name		KARI	
103	01	28. City		FLEMINGTON		State		NJ		Zip		08822	
104	02	30. Eyes		02		DL Class		D-		Restrictions		00--	
105	01	32. Driver's License Number		O7473		33. DOB		10/14/88		34. Expires		10/22	
106	-	35. Owner's First Name		Same as Driver		Initial				Last Name			
107	-	36. Number & Street				66. Number & Street				67. City			
108	04	37. City				67. City				State		NJ	
109	04	38. Make		MAZDA		39. Model		CX5		40. Color		BN	
110	01	44. VIN		J M 3 K E 4 D Y 6 G 0 8 0 3 9 6 4		45. Expires		01/20		74. VIN		1 C 4 R J F B G 9 H C 7 3 0 0 6 4	
111	01	46. Vehicle Removed to:				76. Vehicle Removed to:				75. Expires		03/21	
112	-	47. Authority		Owner		77. Authority		Owner		79. Hazardous Material		None	
113	-	48. Alcohol/Drug Test		Given: No		51. GVWR / GCWR		≤ 10,000 lbs.		81. GVWR / GCWR		≤ 10,000 lbs.	
114	-	49. Hazardous Material		None		82. Motor Carrier or Government Entity				83. Motor Carrier or Government Entity			
115	-	50. Carrier No.		USDOT		84. Motor Carrier or Government Entity				85. Motor Carrier or Government Entity			
116	03	51. GVWR / GCWR		≤ 10,000 lbs.		86. Motor Carrier or Government Entity				87. Motor Carrier or Government Entity			
117	03	52. Motor Carrier or Government Entity				88. Motor Carrier or Government Entity				89. Motor Carrier or Government Entity			
135. Damage to Other Property													
136. Charge													
137. Summons No.													
138. Charge													
139. Summons No.													
140. Charge													
141. Summons No.													
142. Charge													
143. Summons No.													
Names & Addresses of Occupants													
If Deceased, Date & Time of Death													
CORY P ORLANDO 4TH 53A BROAD STREET FL 2 FLEMINGTON NJ 08822													
KARI A MASTROIANNI 9 APPLE TREE ROAD FLEMINGTON NJ 08822													

New Jersey Police
Crash Investigation Report

Case Number

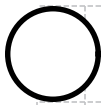
19119412

Page 2 of 3

Names & Addresses of Occupants
If Deceased, Date & Time of Death

	83	84	85	86	87	88	89	90	91	92	93	94	95	
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144. Crash Diagram



Show NORTH by Arrow
(Not to Scale)

SEE NJTR-1B

145. Crash Description/Narrative

VEHICLE #2 WAS STOPPED AT THE INTERSECTION OF BROAD STREET AND ROUTE 12
WHEN IT WAS STRUCK FROM BEHIND BY VEHICLE #1.

146. Officer's Signature

EMANUELE, F

147. Badge #

491332

148. Reviewer

MCNALLY, B

Badge #

490825

149. Case Status

☐ Pending☒ Complete

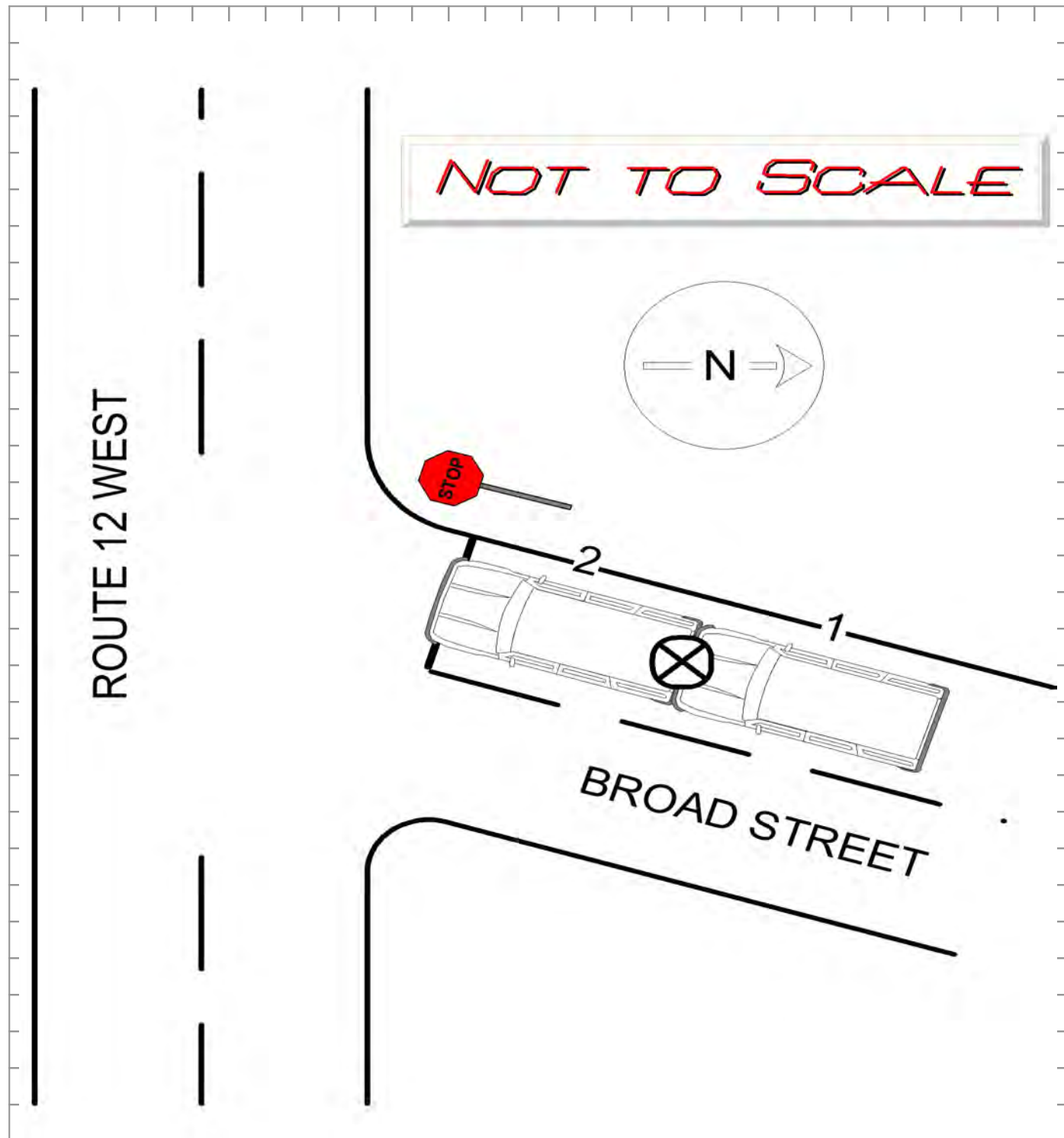
New Jersey Police Crash Investigation Report
Motor Vehicle Crash Diagram

Police Dept: FLEMINGTON BORO PD Code: 01

Station: - Case No: 19119412

144 Crash Diagram (NOT TO SCALE)

○ Indicate North



Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

EMANUELE, F

491332

New Jersey Police
Crash Investigation Report

Case Number

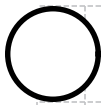
19154404

Page 2 of 3

Names & Addresses of Occupants
If Deceased, Date & Time of Death

	83	84	85	86	87	88	89	90	91	92	93	94	95	
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H														
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144. Crash Diagram



Show NORTH by Arrow
(Not to Scale)

SEE NJTR-1B

145. Crash Description/Narrative

VEHICLE #2 WAS WAITING ON BROAD STREET AT THE STOP SIGN TO TURN RIGHT ONTO ROUTE 12 WEST. VEHICLE #2 ROLLED FORWARD BEFORE STOPPING AGAIN. VEHICLE #1 ACCELERATED FORWARD AND STRUCK VEHICLE #2. DRIVER #1 STATED THAT SHE BELIEVED VEHICLE #2 HAD PROCEEDED ONTO ROUTE 12.

146. Officer's Signature

EMANUELE, F

147. Badge #

491332

148. Reviewer

MCNALLY, B

Badge #

490825

149. Case Status

☐ Pending☒ Complete

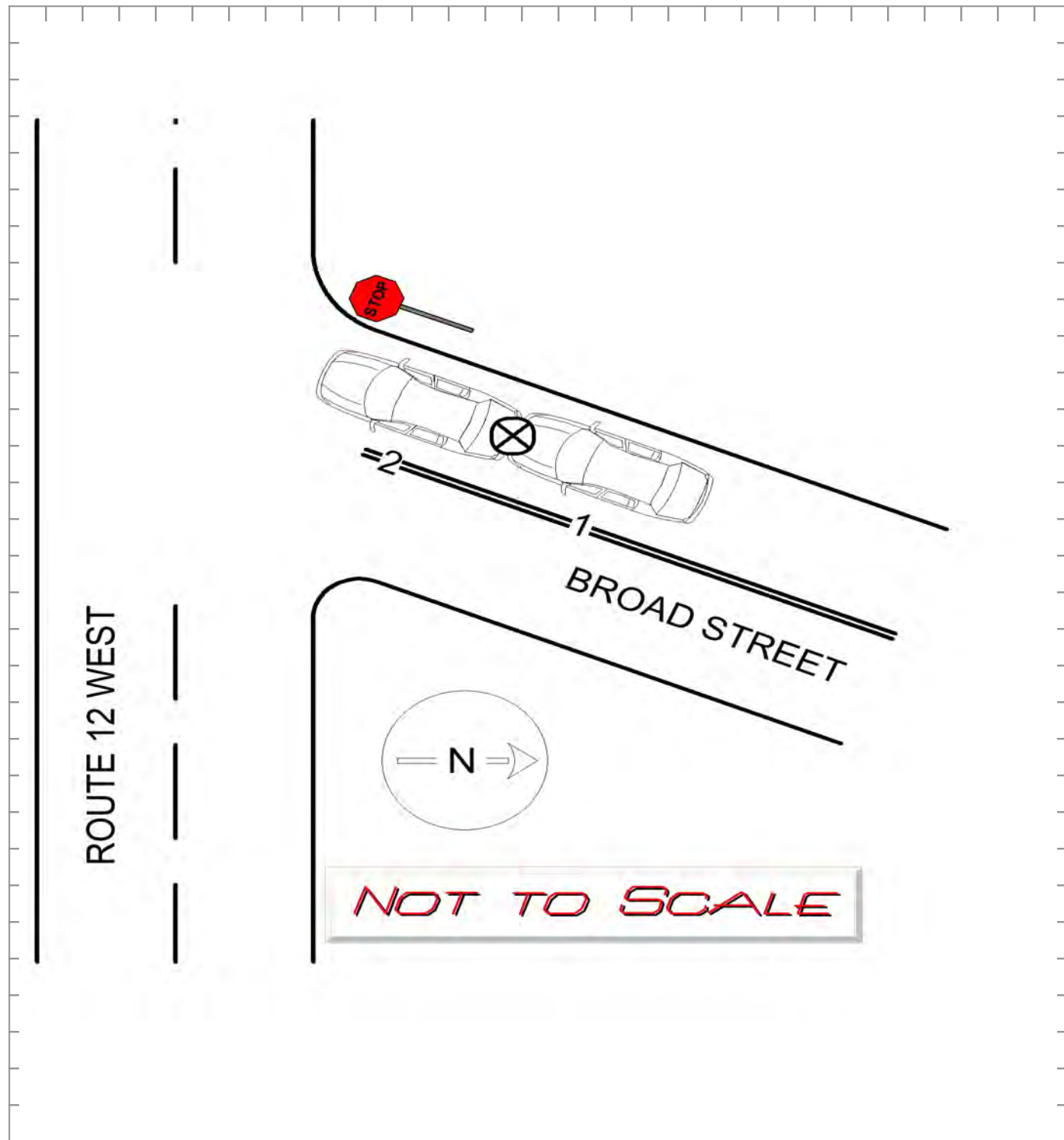
New Jersey Police Crash Investigation Report
Motor Vehicle Crash Diagram

Police Dept: FLEMINGTON BORO PD Code: 01

Station: - Case No: 19154404

144 Crash Diagram (NOT TO SCALE)

○ Indicate North



Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

EMANUELE, F

491332

New Jersey Police
Crash Investigation Report

Case Number

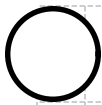
19165874

Page 2 of 3

Names & Addresses of Occupants
If Deceased, Date & Time of Death

	83	84	85	86	87	88	89	90	91	92	93	94	95	
E														
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144. Crash Diagram



Show NORTH by Arrow
(Not to Scale)

SEE NJTR-1B

145. Crash Description/Narrative

Independent Witness, Oscar Goldman (oscargoldman47390@gmail.com) has a personal dash cam that recorded this crash. After carefully reviewing the footage I found the following:

Samoun had a green light and was making a left onto Church St from Broad St. Chadwick had the right of way. The footage shows that he had a "walk signal." Samoun's vehicle struck Chadwick. His body was approx 8 feet away from the curb on the ground after the crash. Chadwick was bleeding from the left side of his head and had complaint of pain in his left side. He was taken by ambulance to the Hunterdon Medical Center for treatment. I called Chadwick (973-713-0949) to follow up with his medical condition. At 2207 hours it was reported that Chadwick had a broken right arm and is undergoing surgery tomorrow. Samoun had no injuries reported and no visible damage to her vehicle.

146. Officer's Signature

HRIBIK, L

147. Badge #

49588

148. Reviewer

BULLMAN, B

Badge #

49648

149. Case Status

☐ Pending☒ Complete

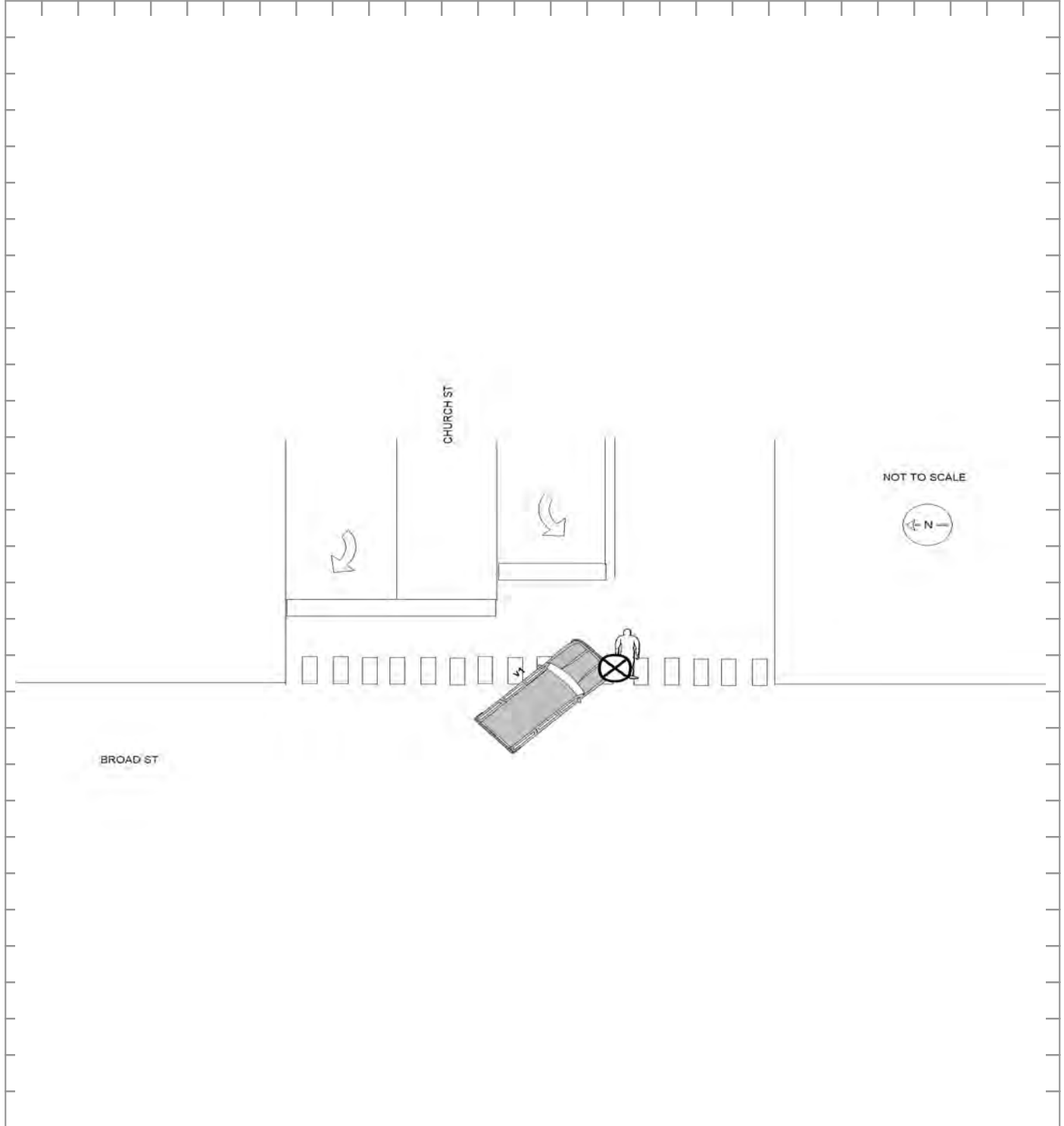
New Jersey Police Crash Investigation Report
Motor Vehicle Crash Diagram

Police Dept: FLEMINGTON BORO PD Code: 01

Station: - Case No: 19165874

144 Crash Diagram (NOT TO SCALE)

○ Indicate
North



Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

HRIBIK, L

49588

96	05	Page 1 of 3		Fatal		New Jersey Police Crash Investigation Report		<input checked="" type="checkbox"/> Reportable		<input type="checkbox"/> Non-Reportable		<input type="checkbox"/> Change Rep		4.7.a																											
97	01	1. Case Number		20001405		10. Crash Occurred On:		BROAD ST		11. Speed Limit		25		118b																											
98	01	2. Police Dept. of		FLEMINGTON BORO PD		Code		01		Road Name		Dir		119a																											
99	07	3. Station/Precinct				At Intersection with		<input checked="" type="checkbox"/> Feet		12. Route No.		Suffix		119b																											
100a	01	4. Date of Crash		mm dd yy		5. Day of Week		Su Mo Tu We Th Fr Sa		6. Time (use 2400 hrs.)		7. Municipality Code		8. Total Killed																											
100b	04	23. Veh. #		01		24. Policy No.		014277538R71026		25. NJ Ins. Code		201		53. Veh. #																											
101	02	26. Driver's First Name		Initial		Last Name		JOHN W CHIBOUCAS		29. Sex		M		56. Driver's First Name																											
102	02	27. Number & Street		21 MAIN STREET		State		NJ		Zip		08822		58. City																											
103	01	28. City		HIGH BRIDGE		State		NJ		Zip		08822		58. City																											
104	02	30. Eyes		DL Class		Restrictions		Endorsements		31. State		NJ		61. State																											
105	01	32. Driver's License Number		C3424		40786		04982		33. DOB		mm dd yy		34. Expires																											
106	02	35. Owner's First Name		Initial		Last Name		Same as Driver		65. Owner's First Name		Initial		Last Name																											
107	02	36. Number & Street		-		State		NJ		Zip		08822		66. Number & Street																											
108	01	37. City		-		State		NJ		Zip		08822		67. City																											
109	01	38. Make		HON		39. Model		ACC		40. Color		GY		41. Year																											
110	01	44. VIN		J H M C M 5 6 6 7 3 C 0 2 4 3 1 0		45. Expires		08/20		74. VIN		5 T D J K 3 D C 7 B S 0 2 9 4 3 5		75. Expires																											
111	01	46. Vehicle Removed to:		-		47. Authority		<input checked="" type="checkbox"/> Owner		48. Alcohol/Drug Test		Given: <input checked="" type="checkbox"/> No		Type: <input checked="" type="checkbox"/> Breath																											
112	-	48. Alcohol/Drug Test		Given: <input checked="" type="checkbox"/> No		Type: <input checked="" type="checkbox"/> Breath		Results: 0. - - %		49. Hazardous Material		Given: <input checked="" type="checkbox"/> None		Type: <input checked="" type="checkbox"/> On Board																											
113	-	49. Hazardous Material		Given: <input checked="" type="checkbox"/> None		Type: <input checked="" type="checkbox"/> On Board		Results: 0. - - %		50. Carrier No.		USDOT		MC/MX																											
114	-	50. Carrier No.		USDOT		MC/MX		51. GVWR / GCWR		52. Motor Carrier or Government Entity		Number & Street		City																											
115	-	51. GVWR / GCWR		≤ 10,000 lbs.		10,001 - 26,000 lbs.		≥ 26,001 lbs.		52. Motor Carrier or Government Entity		Number & Street		City																											
116	03	52. Motor Carrier or Government Entity		-		53. GVWR / GCWR		≤ 10,000 lbs.		10,001 - 26,000 lbs.		≥ 26,001 lbs.		54. GVWR / GCWR																											
117	03	53. GVWR / GCWR		≤ 10,000 lbs.		10,001 - 26,000 lbs.		≥ 26,001 lbs.		54. GVWR / GCWR		≤ 10,000 lbs.		10,001 - 26,000 lbs.																											
135. Damage to Other Property														<input type="checkbox"/> Yes (if Yes, describe)		<input checked="" type="checkbox"/> No																									
Oper.														136. Charge		137. Summons No.		Oper.		138. Charge		139. Summons No.																			
Oper.														140. Charge		141. Summons No.		Oper.		142. Charge		143. Summons No.																			
A														01		01		01		05		21		M		-		-		-		11		04		-		-		JOHN W CHIBOUCAS 21 MAIN STREET HIGH BRIDGE NJ 08822	
B														02		01		01		05		57		F		-		-		-		11		04		-		-		MARY M ANDREOLI 4 HUNTER RD LAMBERTVILLE NJ 08530	
C																																									
D																																									

New Jersey Police
Crash Investigation Report

Case Number

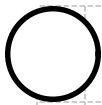
20001405

Page 2 of 3

Names & Addresses of Occupants
If Deceased, Date & Time of Death

	83	84	85	86	87	88	89	90	91	92	93	94	95	
E														
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H														
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144. Crash Diagram



Show NORTH by Arrow
(Not to Scale)

SEE NJTR-1B

145. Crash Description/Narrative

Vehicle 2 was stopped at the stop sign waiting to make a right hand turn onto Route 12. Vehicle 1 was traveling south on Broad Street when it crashed into the rear of Vehicle 2 causing damage. There were no injuries reported at the scene.

146. Officer's Signature

CRISTADORO, M

147. Badge #

491938

148. Reviewer

BULLMAN, B

Badge #

49648

149. Case Status

☐ Pending☒ Complete

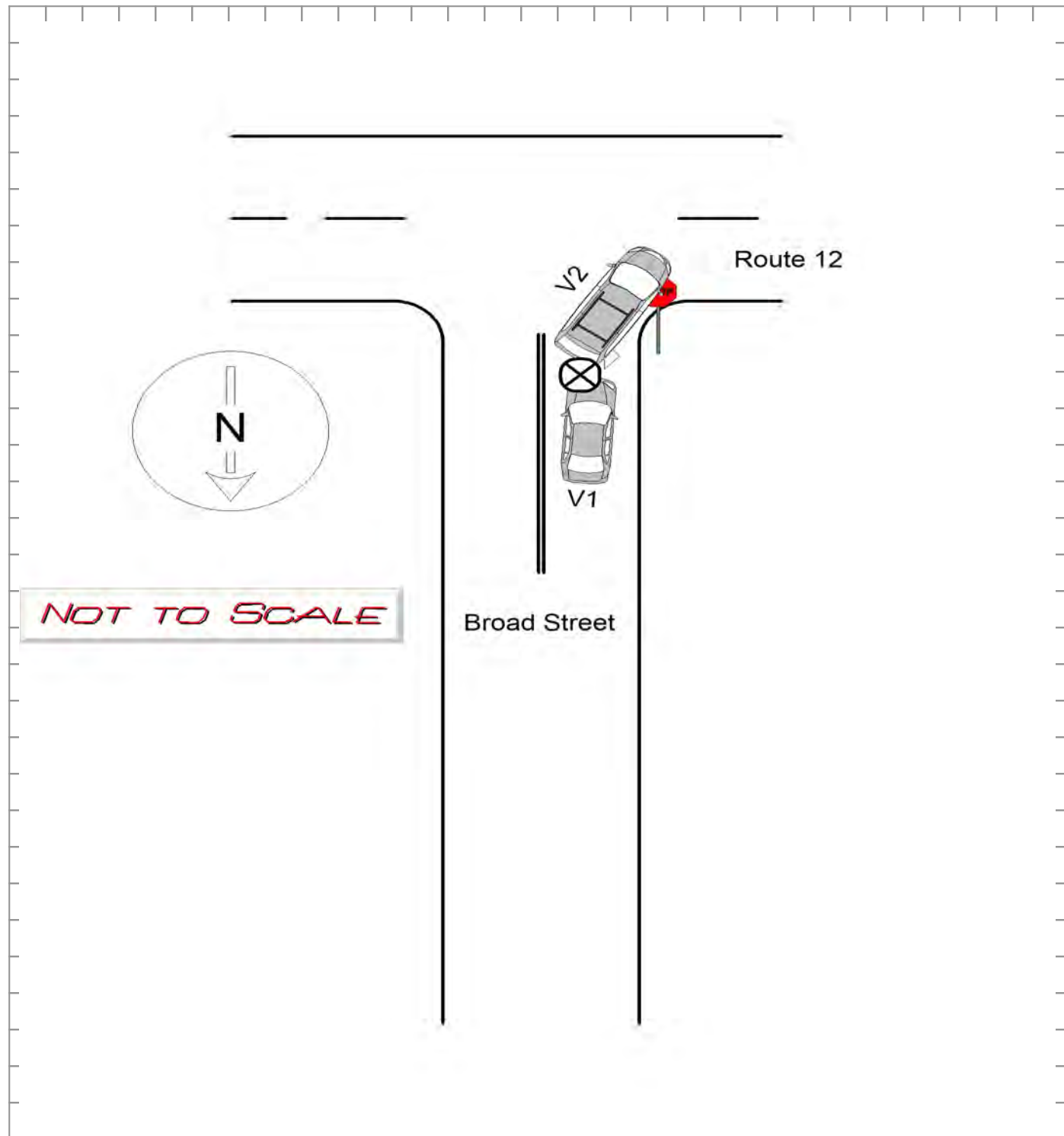
New Jersey Police Crash Investigation Report
Motor Vehicle Crash Diagram

Police Dept: FLEMINGTON BORO PD Code: 01

Station: - Case No: 20001405

144 Crash Diagram (NOT TO SCALE)

○ Indicate
North



Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

CRISTADORO, M

491938

96	02	Page 1 of 3		Fatal		New Jersey Police Crash Investigation Report		<input checked="" type="checkbox"/> Reportable		<input type="checkbox"/> Non-Reportable		<input type="checkbox"/> Change Rep		4.7.a							
97	01	1. Case Number		20021301		10. Crash Occurred On:		BROAD ST		11. Speed Limit		25		118b							
98	01	2. Police Dept. of		FLEMINGTON BORO PD		Code		01		Road Name		Dir		119a							
99	07	3. Station/Precinct				At Intersection with		<input checked="" type="checkbox"/> Feet		12. Route No.		Suffix		119b							
100a	01	4. Date of Crash		02/08/20		5. Day of Week		Th		6. Time (use 2400 hrs.)		1350		119c							
100b	04	23. Veh. #		01		24. Policy No.		0573216-C29-30D		25. NJ Ins. Code		962		120b							
101	02	26. Driver's First Name		SANDRA		Initial		M		Last Name		GRIFFIN		121a							
102	01	27. Number & Street		18 SPRING ST APT. 2		28. City		FLEMINGTON		State		NJ		121b							
103	01	28. City		FLEMINGTON		State		NJ		Zip		08822		122							
104	02	30. Eyes		02		DL Class		D-		Restrictions		-		123							
105	01	32. Driver's License Number		G7411		68974		51652		33. DOB		01/07/65		124							
106	-	35. Owner's First Name		Same as Driver		Initial		Last Name		65. Owner's First Name		JOHN P ELTER JR		125							
107	-	36. Number & Street				66. Number & Street		133 LITCHFIELD RD HARRISBURG, PA 1		67. City		HARRISBURG		126a							
108	01	37. City				State		NJ		Zip		08822		126b							
109	01	38. Make		TOY		39. Model		COR		40. Color		RD		126c							
110	01	44. VIN		2T1BU4EE4CC828071		45. Expires		09/20		74. VIN		1G2WP52KX2F259116		126d							
111	01	46. Vehicle Removed to:				76. Vehicle Removed to:				75. Expires		05/20		126e							
112	-	47. Authority		<input checked="" type="checkbox"/> Owner		77. Authority		<input checked="" type="checkbox"/> Driver		78. Alcohol/Drug Test		Given: <input checked="" type="checkbox"/> No		127a							
113	-	48. Alcohol/Drug Test		Type: <input checked="" type="checkbox"/> Breath		79. Hazardous Material		None		80. Carrier No.		USDOT		127b							
114	-	49. Hazardous Material		None		81. GVWR / GCWR		≤ 10,000 lbs.		82. Motor Carrier or Government Entity		-		127c							
115	-	50. Carrier No.		USDOT		83. GVWR / GCWR		10,001 - 26,000 lbs.		84. Motor Carrier or Government Entity		-		127d							
116	03	51. GVWR / GCWR		≤ 10,000 lbs.		85. Motor Carrier or Government Entity		-		86. Motor Carrier or Government Entity		-		127e							
117	03	52. Motor Carrier or Government Entity		-		87. Motor Carrier or Government Entity		-		88. Motor Carrier or Government Entity		-		128							
135. Damage to Other Property														<input type="checkbox"/> Yes (if Yes, describe)		<input checked="" type="checkbox"/> No		129			
136. Charge														137. Summons No.		138. Charge		139. Summons No.		130	
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680. Charge														681. Summons No.		682. Charge		683. Summons No			

New Jersey Police
Crash Investigation Report

Case Number

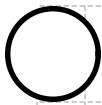
20021301

Page 2 of 3

Names & Addresses of Occupants
If Deceased, Date & Time of Death

	83	84	85	86	87	88	89	90	91	92	93	94	95	
E														
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144. Crash Diagram



Show NORTH by Arrow
(Not to Scale)

SEE NJTR-1B

145. Crash Description/Narrative

BOX 55: NAIC 26271 (ERIE INSURANCE EXCHANGE)

VEHICLE 1 STOPPED AT STOP SIGN. DRIVER OF VEHICLE 2 THOUGHT VEHICLE 1 WAS GOING FORWARD. VEHICLE 2 WENT INTO THE BACK OF VEHICLE 1.

146. Officer's Signature

MARIASCHIN, M

147. Badge #

49587

148. Reviewer

HRIBIK, L

Badge #

49588

149. Case Status

☐ Pending☒ Complete

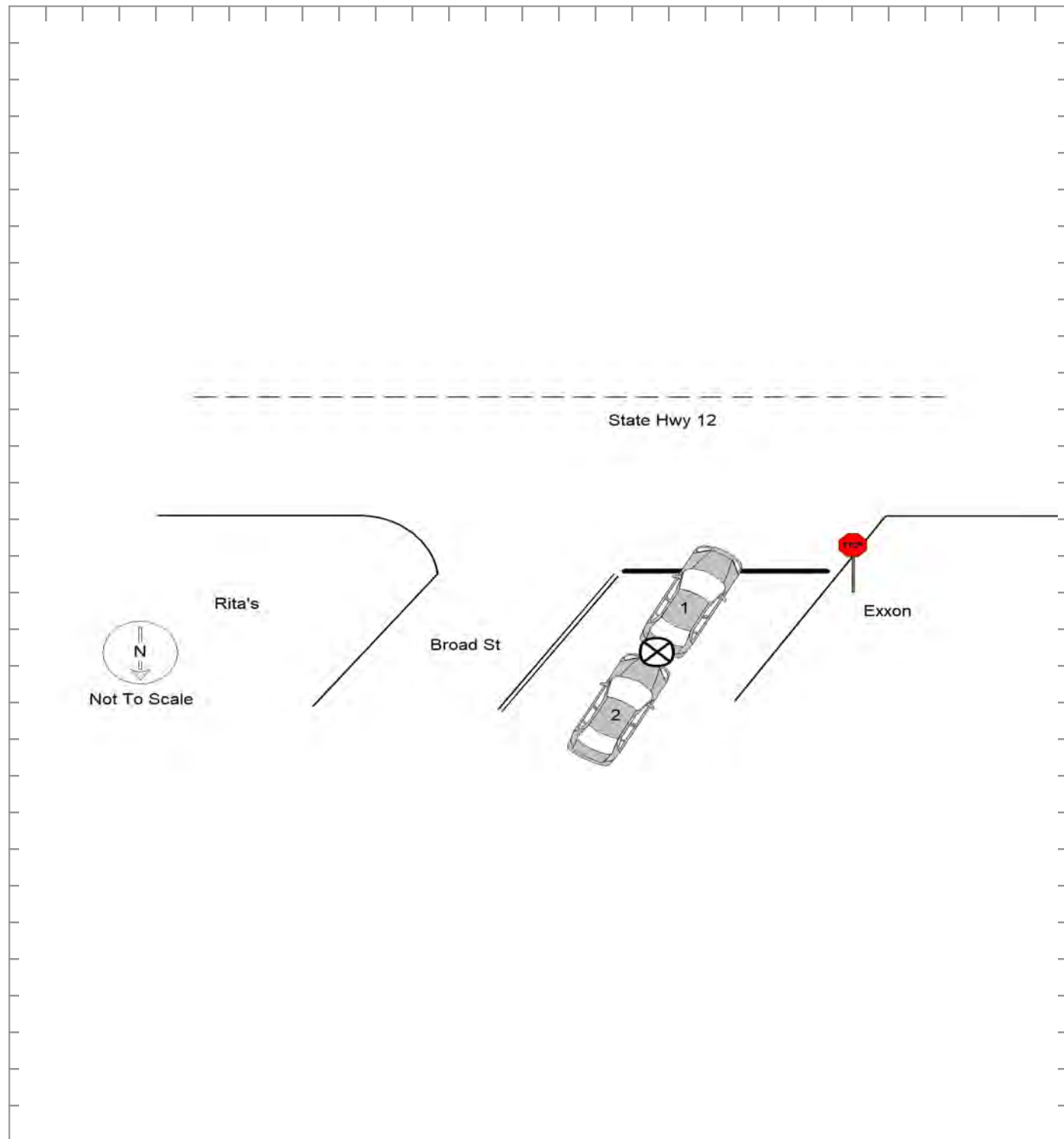
New Jersey Police Crash Investigation Report
Motor Vehicle Crash Diagram

Police Dept: FLEMINGTON BORO PD Code: 01

Station: - Case No: 20021301

144 Crash Diagram (NOT TO SCALE)

○ Indicate North



Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

MARIASCHIN, M

49587

96	05	Page 1 of 3		Fatal		New Jersey Police Crash Investigation Report										<input checked="" type="checkbox"/> Reportable		<input type="checkbox"/> Non-Reportable		<input type="checkbox"/> Change Rep		4.7.a																																									
97	01	1. Case Number		21076798										10. Crash Occurred On:		BROAD ST		11. Speed Limit		25		118b																																									
98	01	2. Police Dept. of		Code		FLEMINGTON BORO PD 01										Road Name		Dir		12. Route No.		Suffix		13. Milepost		119a																																					
99	07	3. Station/Precinct												1000		<input type="checkbox"/> At Intersection with		<input checked="" type="checkbox"/> Feet		<input type="checkbox"/> N		<input type="checkbox"/> E		18. Speed Limit		25		119b																																			
100a	01	4. Date of Crash		5. Day of Week		6. Time (use 2400 hrs.)		7. Municipality Code		8. Total Killed		9. Total Injured		19. To:		17. Cross Road Name/Route No.		<input type="checkbox"/> NB		<input type="checkbox"/> EB		21. Latitude		20. Route Name/Route No.		22. Longitude		120a																																			
100b	04	23. Veh. #		24. Policy No.		25. NJ Ins. Code		53. Veh. #		54. Policy No.		55. NJ Ins. Code		120b														121b																																			
101	02	26. Driver's First Name		Initial		Last Name		29. Sex		56. Driver's First Name		Initial		Last Name		59. Sex		121a										121b																																			
102	01	CHRISTINE		J		MCRELL		F		JOSEPH		P		CORRADO		M		121b										121b																																			
103	01	27. Number & Street		660 ROUTE 12										57. Number & Street		405 KINGWOOD LOCKTOWN RD										122																																					
104	02	28. City		State		Zip		58. City		State		Zip		122														122																																			
		FLEMINGTON		NJ		08822		FLEMINGTON		NJ		08822		122														122																																			
		30. Eyes		DL Class		Restrictions		Endorsements		31. State		60. Eyes		DL Class		Restrictions		Endorsements		61. State		123						123																																			
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105	03	32. Driver's License Number		M1742 12471 53614										33. DOB		34. Expires		62. Driver's License Number		C6643 41077 01892										63. DOB		64. Expires		124																													
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106	-	35. Owner's First Name		Initial		Last Name		65. Owner's First Name		Initial		Last Name		124														124																																			
107	-	<input checked="" type="checkbox"/> Same as Driver												<input checked="" type="checkbox"/> Same as Driver												125								125																													
108	04	36. Number & Street												66. Number & Street												125								125																													
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109	08	38. Make		39. Model		40. Color		41. Year		42. Plate No.		43. State		68. Make		69. Model		70. Color		71. Year		72. Plate No.		73. State		126b																																					
		KIA		SPO		RD		2017		F65HDD		NJ		HONDA		SHADOW		BN		2001		4DZU4		NJ		126b																																					
110	01	44. VIN		K N D P M C A C 7 H 7 1 0 3 8 6 7										45. Expires		74. VIN		J H 2 P C 2 1 3 5 1 M 2 1 2 6 6 3										75. Expires		05/21		126c																															
111	01	46. Vehicle Removed to:												76. Vehicle Removed to:												126d								126d																													
112	-	<input checked="" type="checkbox"/> Driven		<input type="checkbox"/> Towed Disabled		<input type="checkbox"/> Towed Disabled & impounded		<input checked="" type="checkbox"/> Driven		<input type="checkbox"/> Towed Disabled		<input type="checkbox"/> Towed Disabled & impounded		126e														126e																																			
113	-	<input type="checkbox"/> Left at Scene		<input type="checkbox"/> Towed Impounded				<input type="checkbox"/> Left at Scene		<input type="checkbox"/> Towed Impounded				127a														127a																																			
114	-	47. Authority		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Driver <input type="checkbox"/> Police										77. Authority		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Driver <input type="checkbox"/> Police										127b						127b																															
115	-	48. Alcohol/Drug Test		Given: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Refused										49. Hazardous Material		Given: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Refused										79. Hazardous Material		Given: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Refused										127c																									
		Type: <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine												Type: <input type="checkbox"/> None <input type="checkbox"/> On Board <input type="checkbox"/> Spill												Type: <input type="checkbox"/> None <input type="checkbox"/> On Board <input type="checkbox"/> Spill												127c																									
		Results: 0. - - % <input type="checkbox"/> Pending												Hazard Class		Placard No.										Results: 0. - - % <input type="checkbox"/> Pending												Hazard Class		Placard No.										127d													
116	01	50. Carrier No.		<input type="checkbox"/> USDOT <input type="checkbox"/> MC/MX										51. GVWR / GCWR (trucks & buses only)		<input type="checkbox"/> USDOT <input type="checkbox"/> MC/MX										80. Carrier No.		<input type="checkbox"/> USDOT <input type="checkbox"/> MC/MX										81. GVWR / GCWR (trucks & buses only)		<input type="checkbox"/> USDOT <input type="checkbox"/> MC/MX										127e													
117	04																																																													127e	
		52. Motor Carrier or Government Entity												82. Motor Carrier or Government Entity												128								128																													
		Number & Street												Number & Street												129								129																													
		City		State		Zip		City		State		Zip		130														130																																			
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		135. Damage to Other Property		<input type="checkbox"/> Yes (if Yes, describe) <input checked="" type="checkbox"/> No																						132								132																													
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		Oper. 01		136. Charge 39:4-97										137. Summons No. E21-000625		Oper. -		138. Charge -										139. Summons No. -		134						134																											
		Oper. -		140. Charge -										141. Summons No. -		Oper. -		142. Charge -										143. Summons No. -		134						134																											

New Jersey Police
Crash Investigation Report

Case Number

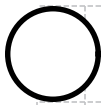
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Page 2 of 3

Names & Addresses of Occupants
If Deceased, Date & Time of Death

	83	84	85	86	87	88	89	90	91	92	93	94	95	
E														
F														
G														
H														
I														
J														

144. Crash Diagram



Show NORTH by Arrow
(Not to Scale)

SEE NJTR-1B

145. Crash Description/Narrative

D2 advised he was making a left turn into the Madison Arms Apartments parking lot off of Broad Street when V1 collided into the rear of his motorcycle. D2 stated it caused him and his motorcycle to fall on the right side. D2 further stated he then observed V1 collide into the curb on the southbound lane of Broad Street. D2 had a complaint of pain in his right knee, but denied any medical attention. D2 further stated he was not sure if any of the damage on his motorcycle was new.

D1 advised she went to drive around V2 on Broad Street on the left side, and did not realize he was turning. D1 had a flat front driver's side tire, and advised she did not have any additional damage from striking V2.

146. Officer's Signature

ZYTOKO, G

147. Badge #

491736

148. Reviewer

MARIASCHIN, M

Badge #

49587

149. Case Status

☐ Pending☒ Complete

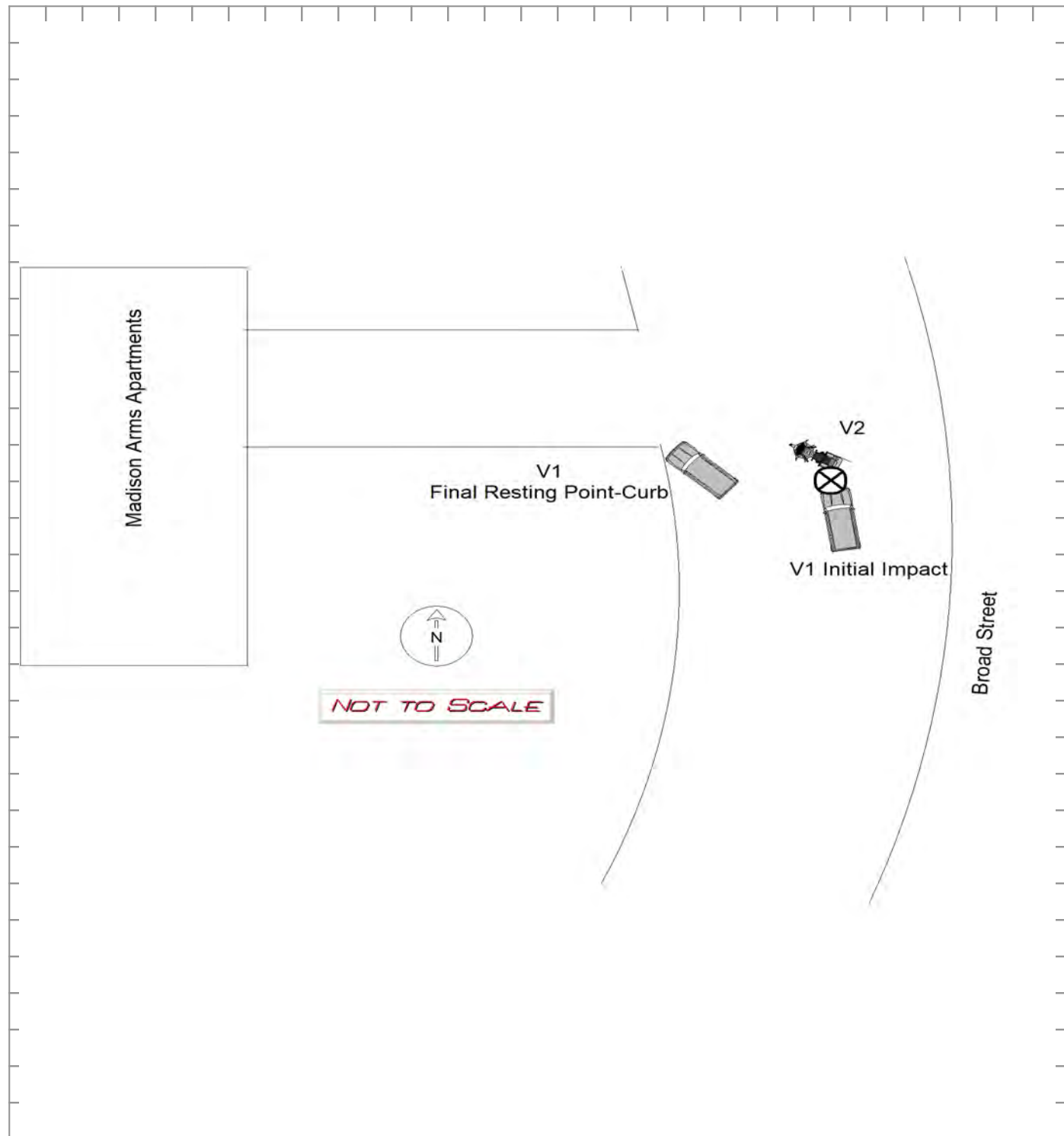
New Jersey Police Crash Investigation Report
Motor Vehicle Crash Diagram

Police Dept: FLEMINGTON BORO PD Code: 01

Station: - Case No: 21076798

144 Crash Diagram (NOT TO SCALE)

○ Indicate North



Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

ZYTKO, G

491736

96	05	Page 1 of 3		Fatal		New Jersey Police Crash Investigation Report										<input checked="" type="checkbox"/> Reportable		<input type="checkbox"/> Non-Reportable		<input type="checkbox"/> Change Rep		4.7.a							
97	01	1. Case Number		21108893										10. Crash Occurred On:		BROAD ST		11. Speed Limit		-		-							
98	01	2. Police Dept. of		Code		FLEMINGTON BORO PD 01										Road Name		Dir		12. Route No.		Suffix		13. Milepost					
99	07	3. Station/Precinct		-										<input checked="" type="checkbox"/> At Intersection with		-		14. Feet		15. Miles		16. N E S W		17. Cross Road Name/Route No.					
100a	01	4. Date of Crash		5. Day of Week		6. Time (use 2400 hrs.)		7. Municipality Code		8. Total Killed		9. Total Injured		21. Latitude		20. Route Name/Route No.		22. Longitude		18. Speed Limit									
100b	04	23. Veh. #		24. Policy No.		25. NJ Ins. Code		53. Veh. #		54. Policy No.		55. NJ Ins. Code		-		-		-		-									
101	02	26. Driver's First Name		Initial		Last Name		29. Sex		56. Driver's First Name		Initial		Last Name		59. Sex		-		-									
102	01	27. Number & Street		54 BROWN STREET										57. Number & Street		37 SPRING ST. APT 2													
103	01	28. City		State		Zip		58. City		State		Zip		-		-		-		-									
104	02	30. Eyes		DL Class		Restrictions		Endorsements		31. State		60. Eyes		DL Class		Restrictions		Endorsements		61. State									
		0 4		D -		0 1 - -		0 0		NJ		0 2		D -		0 0 - -		0 0		NJ									
105	03	32. Driver's License Number		33. DOB		34. Expires		62. Driver's License Number		63. DOB		64. Expires		-		-		-		-									
		N2943 69577 02914		0 2 2 8 9 1		1 1 2 1		C3169 39564 52882		0 2 2 7 8 8		0 2 2 2		-		-		-		-									
106	02	35. Owner's First Name		Initial		Last Name		65. Owner's First Name		Initial		Last Name		-		-		-		-									
107	02	36. Number & Street		-										66. Number & Street		-													
108	01	37. City		State		Zip		67. City		State		Zip		-		-		-		-									
109	01	38. Make		39. Model		40. Color		41. Year		42. Plate No.		43. State		68. Make		69. Model		70. Color		71. Year									
		FOR		TAR		GY		2011		G71DPS		NJ		NIS		SEN		RD		2014									
110	01	44. VIN		45. Expires		74. VIN		75. Expires		-		-		-		-		-		-									
111	01	1 F A H P 2 F W 3 B G 1 8 0 3 6 8		11/21		3 N 1 A B 7 A P 5 E Y 2 9 9 6 3 4		06/22		-		-		-		-		-		-									
112	-	46. Vehicle Removed to:		-										76. Vehicle Removed to:		-													
113	-	<input type="checkbox"/> Driven		<input checked="" type="checkbox"/> Towed Disabled		<input type="checkbox"/> Towed Disabled & impounded		<input checked="" type="checkbox"/> Driven		<input type="checkbox"/> Towed Disabled		<input type="checkbox"/> Towed Disabled & impounded		<input type="checkbox"/> Left at Scene		<input type="checkbox"/> Towed Impounded		<input type="checkbox"/> Left at Scene		<input type="checkbox"/> Towed Impounded									
114	-	47. Authority		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Driver <input type="checkbox"/> Police										77. Authority		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Driver <input type="checkbox"/> Police													
115	-	48. Alcohol/Drug Test		Given: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Refused		Type: <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine		49. Hazardous Material		<input type="checkbox"/> None <input type="checkbox"/> On Board <input type="checkbox"/> Spill		78. Alcohol/Drug Test		Given: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Refused		Type: <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine		79. Hazardous Material		<input type="checkbox"/> None <input type="checkbox"/> On Board <input type="checkbox"/> Spill									
116	02	Results: 0. - - % <input type="checkbox"/> Pending		Hazard Class		Placard No.		Results: 0. - - % <input type="checkbox"/> Pending		Hazard Class		Placard No.		Results: 0. - - % <input type="checkbox"/> Pending		Hazard Class		Placard No.		-									
117	03	50. Carrier No.		<input type="checkbox"/> USDOT <input type="checkbox"/> MC/MX		<input type="checkbox"/> None		51. GVWR / GCWR (trucks & buses only)		<input type="checkbox"/> ≤ 10,000 lbs. <input type="checkbox"/> 10,001 - 26,000 lbs. <input type="checkbox"/> ≥ 26,001 lbs.		80. Carrier No.		<input type="checkbox"/> USDOT <input type="checkbox"/> MC/MX		<input type="checkbox"/> None		81. GVWR / GCWR (trucks & buses only)		<input type="checkbox"/> ≤ 10,000 lbs. <input type="checkbox"/> 10,001 - 26,000 lbs. <input type="checkbox"/> ≥ 26,001 lbs.									
		52. Motor Carrier or Government Entity		-										82. Motor Carrier or Government Entity		-													
		Number & Street		-										Number & Street		-													
		City		State		Zip		City		State		Zip		-		-		-		-									
		135. Damage to Other Property		<input type="checkbox"/> Yes (if Yes, describe) <input checked="" type="checkbox"/> No																									
		Oper.		136. Charge										137. Summons No.		Oper.		138. Charge											
		-		-										-		-		Oper.		-									
		Oper.		140. Charge										141. Summons No.		Oper.		142. Charge											
		-		-										-		-		Oper.		-									
		83		84		85		86		87		88		89		90		91		92									
		01		01		01		05		30		M		-		-		-		11									
		04		01		01		05		33		F		-		-		-		11									
		02		06		01		05		02		M		-		-		-		06									
		06		01		05		05M		F		-		-		-		-		06									
		06		01		05		05M		F		-		-		-		-		06									
		06		01		05		05M		F		-		-		-		-		06									
		06		01		05		05M		F		-		-		-		-		06									
		06		01		05		05M		F		-		-		-		-		06									
		06		01		05		05M		F		-		-		-		-		06									
		06		01		05		05M		F		-		-		-		-		06									
		06		01		05		05M		F		-		-		-		-		06									
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		06		01		05		05M		F		-		-		-		-		06									
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		06		01		05		05M		F		-		-		-		-		06									
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		06		01		05		05M		F		-		-		-		-		06									
		06		01		05																							

New Jersey Police
Crash Investigation Report

Case Number

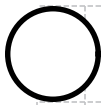
21108893

Page 2 of 3

Names & Addresses of Occupants
If Deceased, Date & Time of Death

	83	84	85	86	87	88	89	90	91	92	93	94	95	
E														
F														
G														
H														
I														
J														

144. Crash Diagram



Show NORTH by Arrow
(Not to Scale)

SEE NJTR-1B

145. Crash Description/Narrative

VEHICLE 2 WAS MAKING A LEFT TURN FROM BROAD ST. ONTO CHURCH ST WHEN IT WAS STRUCK BY VEHICLE 1. DRIVER OF VEHICLE 1 STATED THAT HE COULD NOT SEE THE NIGHT WAS RED BECAUSE OF THE SUN GLARE. NO INJURIES WERE REPORTED AT THE SCENE.

146. Officer's Signature

LOOKNER, D

147. Badge #

491331

148. Reviewer

HRIBIK, L

Badge #

49588

149. Case Status

☐ Pending☒ Complete

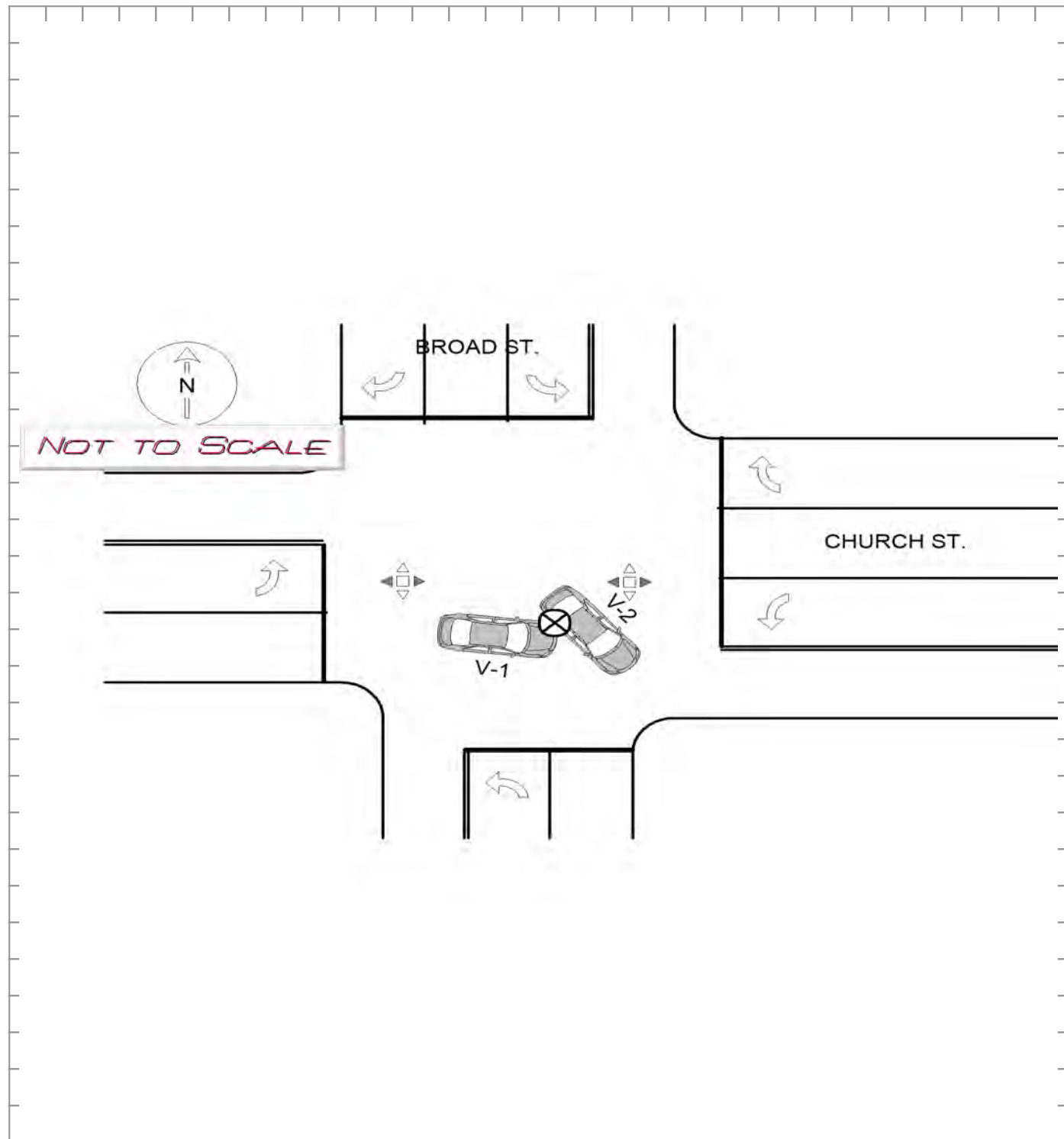
New Jersey Police Crash Investigation Report
Motor Vehicle Crash Diagram

Police Dept: FLEMINGTON BORO PD Code: 01

Station: - Case No: 21108893

144 Crash Diagram (NOT TO SCALE)

○ Indicate
North



Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

LOOKNER, D

491331

New Jersey Police
Crash Investigation Report

Case Number

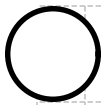
21128620

Page 2 of 3

Names & Addresses of Occupants
If Deceased, Date & Time of Death

	83	84	85	86	87	88	89	90	91	92	93	94	95	
E														
F														
G														
H														
I														
J														

144. Crash Diagram



Show NORTH by Arrow
(Not to Scale)

SEE NJTR-1B

145. Crash Description/Narrative

VEHICLE #1 WAS TRAVELING NORTH ON BROAD STREET WHEN THE PASSENGERS SIDE MIRROR STRUCK THE DRIVERS SIDE MIRROR OF VEHICLE #2. NO DAMAGE WAS NOTED ON EITHER VEHICLE. INCIDENT RECORDED FOR DOCUMENTATION.

BOX 54/55: VEHICLE IS SELF INSURED BY THE STATE OF NJ

146. Officer's Signature

EMANUELE, F

147. Badge #

491332

148. Reviewer

BULLMAN, B

Badge #

49648

149. Case Status

☐ Pending☒ Complete

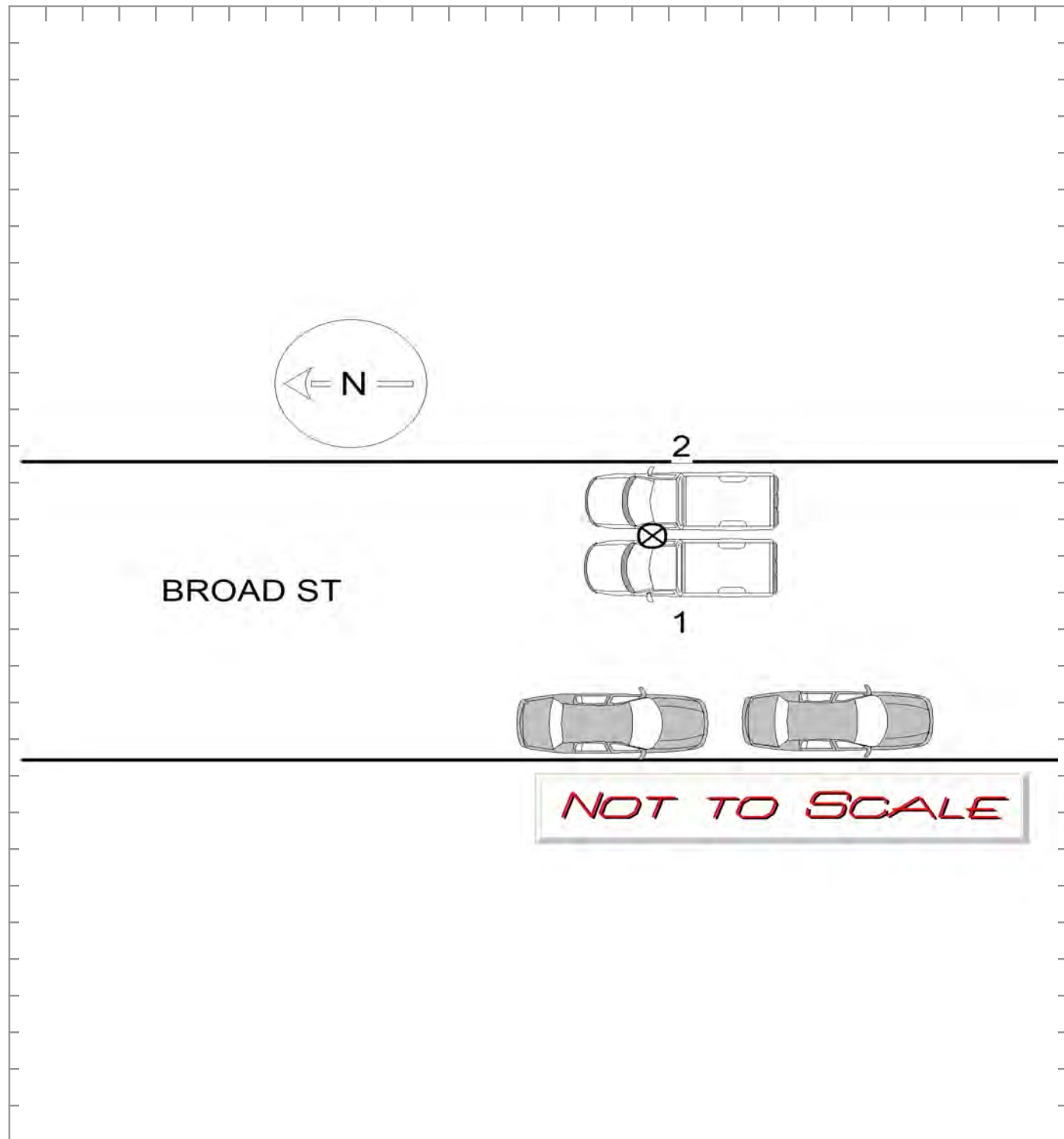
New Jersey Police Crash Investigation Report
Motor Vehicle Crash Diagram

Police Dept: FLEMINGTON BORO PD Code: 01

Station: - Case No: 21128620

144 Crash Diagram (NOT TO SCALE)

○ Indicate North



Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

EMANUELE, F

491332

96	05	Page 1 of 3		New Jersey Police Crash Investigation Report		<input checked="" type="checkbox"/> Reportable		<input type="checkbox"/> Non-Reportable		<input type="checkbox"/> Change Rep		4.7.a	
97	01	1. Case Number		21226465		10. Crash Occurred On:		BROAD ST		11. Speed Limit		25	
98	05	2. Police Dept. of		FLEMINGTON BORO PD		Code		01		12. Route No.		-	
99	07	3. Station/Precinct		-		200		<input checked="" type="checkbox"/> At Intersection with		13. Milepost		25	
100a	01	4. Date of Crash		mm dd yy		5. Day of Week		Su Mo Tu We Th Fr Sa		6. Time (use 2400 hrs.)		2011	
100b	04	23. Veh. #		01		24. Policy No.		1090132C0330B		25. NJ Ins. Code		*	
101	02	26. Driver's First Name		CANDACE		Initial		M		29. Sex		F	
102	02	27. Number & Street		33 BROAD STREET		28. City		FLEMINGTON		State		NJ	
103	02	30. Eyes		02		DL Class		-		Restrictions		-	
104	02	31. State		NJ		32. Driver's License Number		S7017		33. DOB		mm dd yy	
105	06	34. Expires		mm dd yy		35. Owner's First Name		Initial		Last Name		RUSSELL D SANK	
106	-	36. Number & Street		155 BACK BROOK RD		37. City		RINGOES		State		NJ	
107	-	38. Make		FOR		39. Model		EXP		40. Color		BL	
108	04	41. Year		2004		42. Plate No.		N56NHP		43. State		NJ	
109	05	44. VIN		1 F M Z U 7 3 E 2 4 Z A 9 8 6 6 6		45. Expires		02/22		46. Vehicle Removed to:		SUPERIOR TOWING	
110	01	47. Authority		<input checked="" type="checkbox"/> Police		48. Alcohol/Drug Test		<input checked="" type="checkbox"/> No		49. Hazardous Material		<input checked="" type="checkbox"/> None	
111	01	49. Hazardous Material		<input checked="" type="checkbox"/> None		50. Carrier No.		<input checked="" type="checkbox"/> USDOT		51. GVWR / GCWR		<input checked="" type="checkbox"/> None	
112	-	50. Carrier No.		<input checked="" type="checkbox"/> USDOT		51. GVWR / GCWR		<input checked="" type="checkbox"/> None		52. Motor Carrier or Government Entity		<input checked="" type="checkbox"/> No	
113	-	51. GVWR / GCWR		<input checked="" type="checkbox"/> None		52. Motor Carrier or Government Entity		<input checked="" type="checkbox"/> No		53. Veh. #		02	
114	-	52. Motor Carrier or Government Entity		<input checked="" type="checkbox"/> No		53. Veh. #		02		54. Policy No.		4591888799	
115	-	53. Veh. #		02		54. Policy No.		4591888799		55. NJ Ins. Code		100	
116	01	54. Policy No.		4591888799		55. NJ Ins. Code		100		56. Driver's First Name		Initial	
117	03	55. NJ Ins. Code		100		56. Driver's First Name		Initial		Last Name		SPARATTA	
		56. Driver's First Name		Initial		Last Name		SPARATTA		57. Number & Street		-	
		57. Number & Street		-		58. City		-		State		-	
		58. City		-		59. Sex		-		60. Eyes		-	
		59. Sex		-		60. Eyes		-		61. State		-	
		60. Eyes		-		61. State		-		62. Driver's License Number		-	
		61. State		-		62. Driver's License Number		-		63. DOB		mm dd yy	
		62. Driver's License Number		-		63. DOB		mm dd yy		64. Expires		mm dd yy	
		63. DOB		mm dd yy		64. Expires		mm dd yy		65. Owner's First Name		Initial	
		64. Expires		mm dd yy		65. Owner's First Name		Initial		Last Name		DEREK D KROEMMELBEIN	
		65. Owner's First Name		Initial		Last Name		DEREK D KROEMMELBEIN		66. Number & Street		152 BROAD STREET	
		66. Number & Street		152 BROAD STREET		67. City		FLEMINGTON		State		NJ	
		67. City		FLEMINGTON		68. Make		FOR		69. Model		250	
		68. Make		FOR		69. Model		250		70. Color		BK	
		69. Model		250		70. Color		BK		71. Year		1987	
		70. Color		BK		71. Year		1987		72. Plate No.		G39NHN	
		71. Year		1987		72. Plate No.		G39NHN		73. State		NJ	
		72. Plate No.		G39NHN		73. State		NJ		74. VIN		1 F T H X 2 6 1 1 H K B 3 1 2 6 8	
		73. State		NJ		74. VIN		1 F T H X 2 6 1 1 H K B 3 1 2 6 8		75. Expires		04/22	
		74. VIN		1 F T H X 2 6 1 1 H K B 3 1 2 6 8		75. Expires		04/22		76. Vehicle Removed to:		-	
		75. Expires		04/22		76. Vehicle Removed to:		-		77. Authority		<input checked="" type="checkbox"/> Owner	
		76. Vehicle Removed to:		-		77. Authority		<input checked="" type="checkbox"/> Owner		78. Alcohol/Drug Test		<input checked="" type="checkbox"/> No	
		77. Authority		<input checked="" type="checkbox"/> Owner		78. Alcohol/Drug Test		<input checked="" type="checkbox"/> No		79. Hazardous Material		<input checked="" type="checkbox"/> None	
		78. Alcohol/Drug Test		<input checked="" type="checkbox"/> No		79. Hazardous Material		<input checked="" type="checkbox"/> None		80. Carrier No.		<input checked="" type="checkbox"/> USDOT	
		79. Hazardous Material		<input checked="" type="checkbox"/> None		80. Carrier No.		<input checked="" type="checkbox"/> USDOT		81. GVWR / GCWR		<input checked="" type="checkbox"/> None	
		80. Carrier No.		<input checked="" type="checkbox"/> USDOT		81. GVWR / GCWR		<input checked="" type="checkbox"/> None		82. Motor Carrier or Government Entity		<input checked="" type="checkbox"/> No	
		81. GVWR / GCWR		<input checked="" type="checkbox"/> None		82. Motor Carrier or Government Entity		<input checked="" type="checkbox"/> No		83. Summons No.		E21001850	
		82. Motor Carrier or Government Entity		<input checked="" type="checkbox"/> No		83. Summons No.		E21001850		84. Charge		39:4-97	
		83. Summons No.		E21001850		84. Charge		39:4-97		85. Summons No.		-	
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		182. Charge		-		183							

New Jersey Police
Crash Investigation Report

Case Number

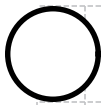
21226465

Page 2 of 3

Names & Addresses of Occupants
If Deceased, Date & Time of Death

	83	84	85	86	87	88	89	90	91	92	93	94	95	
E														
F														
G														
H														
I														
J														

144. Crash Diagram



Show NORTH by Arrow
(Not to Scale)

SEE NJTR-1B

145. Crash Description/Narrative

Box #25 State Farm of New Jersey

Driver #1 stated that she looked away and then looked back and crashed into the parked vehicle. Her cell phone was found on the floor near the pedals of the vehicle. She was also found inside the residence at 152 Broad St when patrol arrived. She advised she might bring the baby to the hospital to be checked out, she was asked multiple times if she wanted the squad to respond.

146. Officer's Signature

KYDD, D

147. Badge #

49626

148. Reviewer

BULLMAN, B

Badge #

49648

149. Case Status

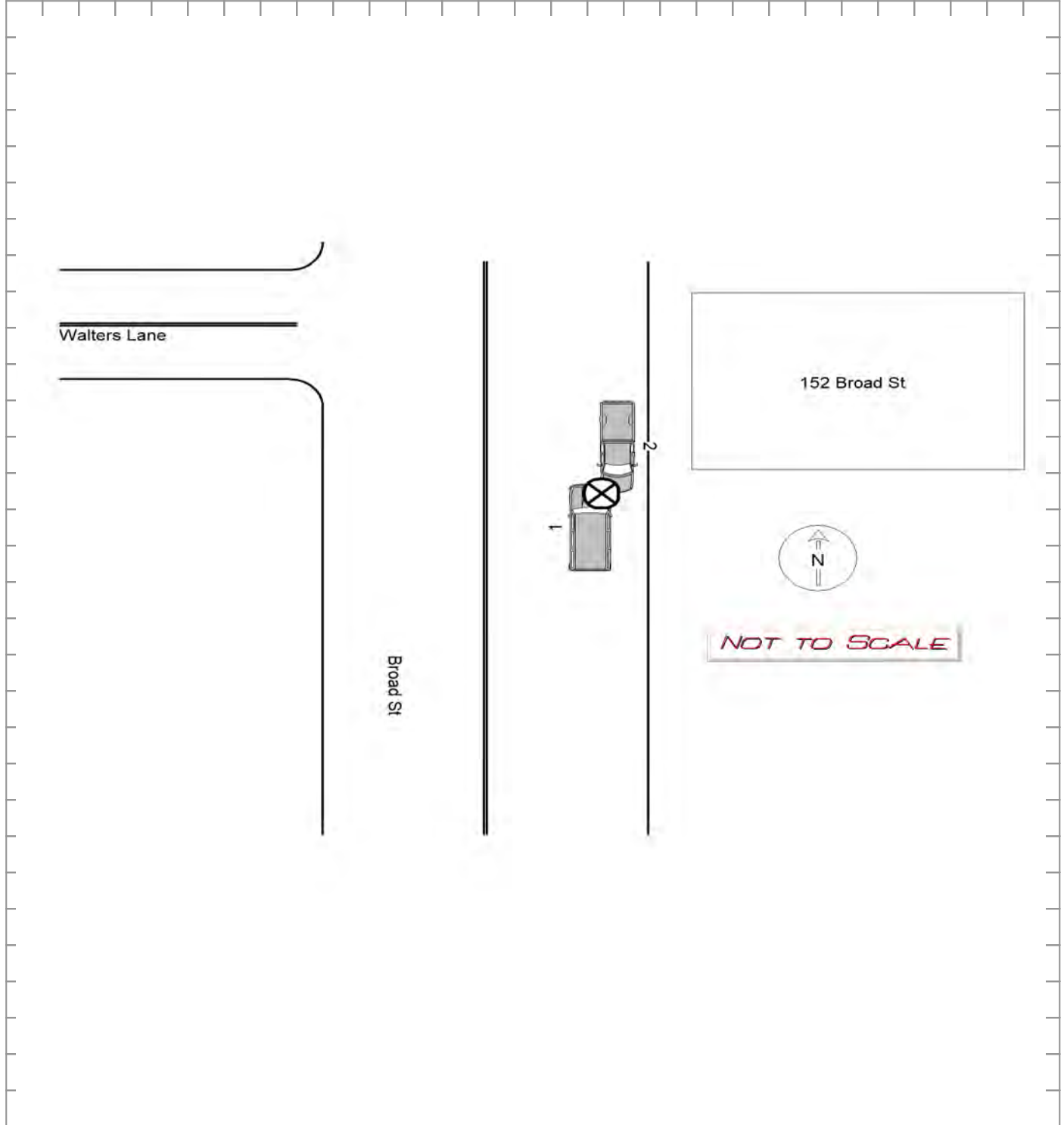
☐ Pending☒ Complete

New Jersey Police Crash Investigation Report
Motor Vehicle Crash Diagram

Police Dept: FLEMINGTON BORO PD Code: 01Station: - Case No: 21226465

144 Crash Diagram (NOT TO SCALE)

○ Indicate
North



Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

KYDD, D

49626



Flemington Parking Restriction Ordinances for Broad St.

For

**Parking Restrictions on Broad Street between Church
Street and NJ Route 12**

§ 7A-1. SCHEDULE I: NO PARKING.

In accordance with the provisions of § 7-4.3, no person shall park a vehicle at any time upon any of the following streets or parts of streets.

SCHEDULE I: NO PARKING		
Name of Street	Sides	Location
Pennsylvania Avenue	North	From the easterly curbline of East Main Street to the westerly curbline of Broad Street.
Bloomfield Avenue	North	From the easterly curbline of Main Street to the westerly curbline of Broad Street.
Court Street	North	From the westerly curbline of Main Street to a point 242 feet west thereof.
Williams Street	North	From the easterly curbline of Main Street to the westerly curbline of Broad Street.
Mine Street	North	From the westerly curbline of Main Street to a point 125 feet west thereof.
Court Street and Court Street Extension	South	From the westerly curb line of Main Street to the dead end of Court Street Extension where it enters the public school grounds.
Maple Avenue	South	From the easterly curb line of Main Street to the westerly curb line of Broad Street.
Mine Street	South	From the easterly curb line of Central Avenue to the westerly curb line of Main Street.
Capner Street	North	From the westerly curb line of Main Street to the easterly curb line of Park Avenue.
Capner Street	South	From the westerly curb line of Park Avenue to the Borough line on the west.
Chorister Place	Both	From the easterly curb line of Main Street to the westerly curb line of Spring Street.
Allen Street	West	From the northerly curb line of Court Street to the southerly curb line of Capner Street.

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SCHEDULE I: NO PARKING		
Name of Street	Sides	Location
Church Street	Both	From the easterly curb line of Broad Street to the westerly curb line of New Jersey Route 31.
South Main Street	Both	From the Main Street-Route 12 circle to a point 200 feet south thereof.
Reaville Avenue	Both	From the Main Street-Route 12 circle to the Borough line on the east.
Main Street	Both	From the Main Street-Route 12 circle to a point 200 feet north thereof.
Academy Street	West	From the northerly curb line of Mine Street to the southerly curb line of Bonnell Street.
Main Street	West	From the southerly curb line of William Street projected to the northerly curb line of Church Street.
East Main Street	West	From the southerly curb line of Hopewell Avenue to a point 100 feet south thereof.
Park Avenue [Repealed 7-8-2019 by Ord. No. 2019-15]		
Mine Street	North	From the westerly curb line of Park Avenue to a point 50 feet west thereof.
North Main Street	East	From the northerly curb line of Pennsylvania Avenue to the southerly curb line of Hopewell Avenue.
Grant Avenue	North	From the westerly curb line of Main Street to the easterly curb line of Brown Street.
Church Street	South	From the easterly curb line of Main Street to the westerly curb line of Broad Street.
Mine Street	South	From Central Avenue to the Borough line.
Main Street	West	From Church Street to Route 12 circle.
East Main Street	East	From Pennsylvania Avenue to Route 31.

Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

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SCHEDULE I: NO PARKING		
Name of Street	Sides	Location
Broad Street	West	From Route 12 to a point 762 feet north thereof.
North Place	East	From North Main Street to Corcoran Street.
Main Street	West	From a point 198 feet north of the northerly curb line of Capner Street to a point 60 feet north thereof.
Main Street	West	From a point 340 feet north of the northerly curb line of Capner Street to a point 78 feet north thereof.
Rear of Soldiers' Monument	Both	From the westerly curb line of East Main Street to the easterly curb line of North Main Street for a distance of 64 feet.
Main Street	West	From a point 168 feet south of the northerly curb line of North Main Street to a point 60 feet south thereof.
Main Street	East	From the southerly curb line of Williams Street to a point 150 feet south thereof.
Capner Street	South	From a point 300 feet east of the easterly curb line of Park Avenue to a point 84 feet east thereof.
Central Avenue	Both	From Church Street to Mine Street.
Fulper Road	South	From Central Avenue to a point 582 feet east thereof.
Fulper Road	North	From Central Avenue to a point 500 feet east thereof.
Spring Street	West	From a point 84 feet south of the southerly curb line of Bloomfield Avenue to a point 170 feet south thereof.
Park Avenue	West	From a point 162 feet from the northerly curb line of Mine Street to a point 90 feet north thereof.
Pennsylvania Avenue	South	From the easterly curb line of Main Street to a point 180 feet east thereof.

Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

SCHEDULE I: NO PARKING		
Name of Street	Sides	Location
Hopewell Avenue	South	From the southerly curb line of North Main Street to a point 94 feet east thereof.
New Jersey Avenue	South	From the easterly curb line of East Main Street to a point 66 feet east thereof.
North Main Street	West	From a point 180 feet north of the northerly curb line of Main Street to a point 64 feet north thereof.
Broad Street	East	From a point 214 feet south of the southerly curb line of Williams Street to a point 148 feet south thereof.
Regional Court	West	From the cul-de-sac at the southerly terminus of Regional Court.
Regional Court	East	From the cul-de-sac at the southerly terminus of Regional Court.
Main Street	East	Between the southerly curb line of Pennsylvania Avenue to a point 364 feet south thereof.
Hopewell Avenue	South	From the westerly curb line of East Main Street to a point 456 feet west thereof.
Shields Avenue	Both	From the southerly curb line of Bonnell Street to the northerly curb line of Mine Street.
Highland Avenue	South	From the westerly curb line of Route 31 to a point 325 feet westerly thereof (effective only for that portion located in the Borough of Flemington).
Highland Avenue	North	From the westerly curblines of Route 31 to a point 185 feet west thereof (effective only for that portion located in the Borough of Flemington).
Roadways around island located between Highland Ave. and New Jersey Ave. which form a part of the island.	Left (Surrounding the island)	Entire length of all roadways surrounding the island including portions of Highland Avenue and New Jersey Avenue.

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§ 7A-1

SCHEDULE I: NO PARKING		
Name of Street	Sides	Location
North Main Street	Both	From the easterly curblin of Park Avenue projected to a point 185 feet south thereof.
Dewey Avenue	West	From the southerly curblin of Bonnell Street to a point 66 feet south thereof.
North Main Street	Both	From a point 30 feet south of the southerly curblin of Park Avenue to a point 140 feet south thereof.
Bonnell Street	North	From the westerly curblin of Park Avenue to a point 75 feet west thereof.
Broad Street	East	From the southerly curblin of Church Street to a point 170 feet south thereof.
Broad Street	West	From the southerly curblin of Church Street to a point 102 feet south thereof.
Shields Avenue	West	From the southerly curblin of Bonnell Street to the northerly curblin of Mine Street.
Park Avenue [Repealed 7-8-2019 by Ord. No. 2019-15]		
Park Avenue [Repealed 7-8-2019 by Ord. No. 2019-15]		
East Main Street	West	From State Highway 31 to a point 780 feet south thereof.
Garden Lane	Both	From the northerly curblin of North Main Street to a point 500 feet north thereof.
Stangl Road	Both	From the northerly curblin of Route 12 to a point 740 feet north thereof.
Union Hotel/Potting Shed Driveway (Formerly known as Blaher Building)	East	A driveway running in an east-west direction from Main Street to Spring Street along the southerly line of Tax Block 22, Lot 4 and the northerly line of Tax Block 22, Lot 5.
Allen Street	East	From the northerly curblin of Capner Street to a point 139 feet north thereof.

Attachment: Broad Street Final Traffic Report - 2022.09.14 Signed (2022-28 : Establishing No-Parking Zones on Broad Street)

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SCHEDULE I: NO PARKING		
Name of Street	Sides	Location
Allen Street	West	From the northerly curblineline of Capner Street to a point 182 feet north thereof.
Broad Street	East	30 feet north of northerly curblineline of New York Avenue and a point of 30 feet south of the southerly curblineline of New York Avenue.



Residential Site Improvements Standards Reference Tables

For

**Parking Restrictions to Broad Street between Church
Street and NJ Route 12**

N.J.A.C. 5:21-4.2

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 52 No. 21,
November 2, 2020

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 21.
RESIDENTIAL SITE IMPROVEMENT STANDARDS > SUBCHAPTER 4. STREETS AND PARKING**

§ 5:21-4.2 Cartway width

(a) Cartway width for each street classification shall be determined by parking and curbing requirements that are based on the intensity of development served by that street.

(b) Intensity of development shall be based on the number of dwelling units per gross acre of land served by a particular street, excluding the acreage of dedicated common open space or other areas restricted from future development, as follows:

Intensity	Dwelling Units per Gross Acre
Low	Less than or equal to 4
Medium	More than 4 and less than or equal to 8
High	More than 8

(c) Cartway widths for each street classification are as shown in Table 4.3 below.

(d) Cartway width also shall consider possible limitations imposed by sight distances, climate, terrain, and maintenance needs.

(e) Municipalities may require additional cartway width for major or minor collectors which are part of a designated bike route as indicated in the bicycle circulation part of the municipal master plan to make them consistent with the AASHTO guidelines for bicycle-compatible streets.

N.J.A.C. 5:21-4.2

TABLE 4.3
CARTWAY AND RIGHT-OF-WAY WIDTHS

Street type ^a	Total avg. daily traffic 1,500† †(loop—750 each half)	Traveled way	No. of parking lanes ^b	Parking Lane width	Cartway width	Curb or shoulder ^c	Sidewalk or graded area ^d	Right- of-way width ^e
Residential access								
a. Parallel parking								
Low intensity		21 feet	1	7 feet	28 feet	None	1 SW 1 GA	50 feet
Medium intensity		21 feet	1	7 feet	28 feet	Curb	2 SW	50 feet
High intensity (on-street parking)		21 feet	1	7 feet	28 feet	Curb	2 SW	50 feet
b. Nonparallel parking (all intensities)								
One-side parking		24 feet	1	18 feet		Curb	2 SW ⁿ	54 feet
Two-side parking		24 feet	2	36 feet		Curb	2 SW ⁿ	72 feet
c. No parking								
High intensity (off-street parking)		20 feet	0	0 feet	20 feet	None	2 SW	50 feet
Neighborhood (all intensities)	1,500	16 feet	2	14 feet	30 feet ^c	Curb	2 SW	50 feet
Minor Collector ^b	3,500							
Low intensity ^d with no parking		20 feet	0	0 feet	20 feet	None	1 SW 1 GA	50 feet
Low intensity with one parking lane		21 feet	1	7 feet	28 feet	Curb	1 SW 1 GA	50 feet
Medium and High intensities								
With one parking lane		21 feet	1	7 feet	28 feet	Curb	2 SW	50 feet
With two parking lanes		22 feet	2	14 feet	36 feet	Curb	2 SW	60 feet
With off-street parking		22 feet	0	0 feet	22 feet	Curb or shoulder	2 SW	50 feet
Major Collector ^b	7,500							
Low intensity		24 feet	0	0 feet	24 feet	None	2 SW	50 feet
Medium and High intensities		24 feet	0	0 feet	24 feet	Curb or shoulder	2 SW	50 feet if curb, 54 feet if shoulder
Special Purpose Streets								
Rural street ^k	500	20 feet	0	0 feet	20 feet	None	2 GA	40 feet
Rural lane ^k	200	18 feet	0	0 feet	18 feet	None	2 GA	40 feet
Alley (one way)					9 feet			11 feet
Alley (two way)		18 feet	0	0 feet	18 feet	None	2 GA	22 feet
Cul-de-sac (stem) ^f	250							
Marginal access street ^g								
Divided street ^h								
Multifamily access cul-de-sac ^m	1,000							
Multifamily court ^o	Note ^p							

NOTES:

a See Table 4.2 for definitions of street hierarchy and N.J.A.C. 5:21-4.2 for definitions of low, medium, and high intensity of development.

b Parking lane refers to parallel parking, except in the case of residential access streets with nonparallel parking, which have perpendicular parking.

c The 30 foot cartway would accommodate two seven foot parking lanes and a 16 foot traveled way.

d 20 foot minor collector cartways are permitted only when there is no direct driveway access to or from the street in question.

e Cartway widths of cul-de-sac stems should conform to the applicable street type. Right-of-ways for cul-de-sac stems shall extend a minimum of eight feet beyond the cartway. Cul-de-sacs shall provide for a cartway turning radius of 40 feet and a right-of-way line eight feet beyond the edge of the cartway. No agreement to exceed the turning radius specified shall be executed pursuant to N.J.A.C. 5:21-3.6 for purposes of emergency vehicle access unless supporting documentation prepared by the planning or

Mayor and Common Council38 Park Avenue
Flemington, NJ 08822Meeting: 11/28/22 07:30 PM
Department: Governing Body
Category: Council Ordinance
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:**TABLED****ORDINANCE 2022-29**

DOC ID: 3948

First Reading: Revision of Water Use and Irrigation Fees for 2023

BE IT ORDAINED that Chapter 11 titled Utilities in the Code of the Borough of Flemington, specifically Section 11-1.2 Water Use Fees, be revised as follows: [additions noted in bold italic *thus* and deletions noted in strikethrough ~~thus~~].

§ 11-1.2 Fees.

The following annual charges, rentals and rates are hereby fixed to be charged to all customers, both private, commercial and governmental:

a. Meter Service.

Meter Size (inches)	Per Quarter	Per Year
5/8	\$64.50 \$68.00	\$258 \$272
3/4 short	\$64.50 \$68.00	\$258 \$272
3/4	\$103.75 \$109.50	\$415 \$438
1	\$158.25 \$166.50	\$633 \$666
1 1/2	\$261 \$275.00	\$1,044 \$1,100
2	\$356.25 \$375.00	\$1,425 \$1,500
3	\$648 \$681.25	\$2,592 \$2,725
4	\$1,133.25 \$1,191.25	\$4,533 \$4,765
6	\$1,945 \$2,043.75	\$7,780 \$8,175

b. Additional Use Charges.

- From zero to 5,000 gallons used during quarter: ~~\$2.88~~ **\$3.02** per 1,000 gallons.
- From 5,001 to 19,000 gallons used during quarter: ~~\$5.95~~ **\$6.25** per 1,000 gallons.
- From 19,001 to 49,000 gallons used during quarter: ~~\$7.15~~ **\$7.51** per 1,000 gallons.
- From 49,001 to 99,000 gallons used during quarter: ~~\$8.05~~ **\$8.45** per 1,000 gallons.
- From 99,001 to 599,000 gallons used during quarter: **\$9.50** per 1,000 gallons.
- From 599,001 to 999,000 gallons used during quarter: ~~\$10.20~~ **\$10.75** per 1,000 gallons.
- From 999,001 and above gallons used during the quarter: ~~\$10.50~~ **\$11.05** per 1,000 gallons.

c. Fire Service.

Fire Service**Annual Charge**

Fire suppression, 3 inches	\$690 \$732
Fire suppression, 4 inches	\$1,500 \$1,590
Fire suppression, 6 inches	\$2,040 \$2,162
Fire suppression, 8 inches	\$3,878 \$4,110
Standby tank connection, 2 inches	\$246 \$260
Standby tank connection, 3 inches	\$336 \$356
Standby tank connection, 4 inches	\$366 \$388
Standby tank connection, 6 inches	\$516 \$550
Standby tank connection, 8 inches and up	\$792 \$840

An approved detector check valve shall be installed in each fire service connection by applicant. Initial filling of standby tanks and each subsequent filling of standby tanks shall be charged at the same rate as meter service charges. An activated detector check valve shall indicate at least a tank filling and the user shall be charged accordingly.

d. Permit Fees.

Permit Fee**Rate****Off-Hours Rate**

Turning water on		\$200 \$250
Turning water off		\$200 \$250
Turning water off for nonpayment	\$75 \$100	
Turning water back after nonpayment	\$75 \$100	\$200 \$250
Testing of meter		
Remove meter	\$75 \$100	\$200 \$250
Special meter reading	\$60 \$100	\$200 \$250
Water connection fee	\$5,473 \$5,600	
Hydrant flow test per scheduled site visit	\$275 \$300	initial hydrant, \$100 each additional hydrant

e. Allocation Form Fees.

Allocation Form A Fee**Rate**

Live extensions review	\$500
Water reservation small project	\$250
Water reservation large project	\$1,500

f. Will-Serve Fees.

	Will Serve Fee	Will Serve Extension Fee
Will-serve letter, small project	\$100	\$50
Will-serve letter, large project	\$250	\$125

- g. Field Service Charges. In the event that the Borough needs to make a repair to a leak for a customer or for a contractor, the following fees will apply.

1. Equipment Hourly Rates.

(a) Backhoe: ~~\$100~~ **\$125**.

(b) Dump truck: ~~\$75~~ **\$100**.

(c) Service truck: ~~\$75~~ **\$100**.

BE IT FURTHER ORDAINED that Chapter 11 titled Utilities in the Code of the Borough of Flemington, specifically Section 11-3.17 Irrigation Charges, be revised as follows: (Changes highlighted).

§ 11-3.17 Irrigation Charges.

Irrigation definition: Anyone that has a buried lawn water device shall be required to have a separate meter and shall be charged at the following rate:

- a. From zero to 5,000 gallons used during quarter: **\$5.30** per 1,000 gallons.
- b. From 5,001 to 19,000 gallons used during quarter: ~~\$6.50~~ **\$6.90** per 1,000 gallons.
- c. From 19,001 to 49,000 gallons used during quarter: **\$8.50** per 1,000 gallons.
- d. From 49,001 to 99,000 gallons used during quarter: ~~\$8.75~~ **\$9.30** per 1,000 gallons.
- e. From 99,001 to 599,000 gallons used during quarter: ~~\$9.50~~ **\$10.25** per 1,000 gallons.
- f. From 599,001 to 999,000 gallons used during quarter: ~~\$10.25~~ **\$11.00** per 1,000 gallons.
- g. From 999,001 and above gallons used during the quarter: ~~\$10.75~~ **\$11.50** per 1,000 gallons.

Introduced: November 14, 2022

Adopted:

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

HISTORY:

11/14/22

Governing Body

INTRODUCED

Next: 11/28/22

Ordinance 2022-29 was read by title by Mayor Driver

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/28/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-238**

DOC ID: 3960

Support for the Operation of an Expanded Alternative Treatment Center to Include to Sale of Medical and Recreational Cannabis by Aunt Mary's Dispensary, LLC, F/K/A Altus New Jersey, LLC, Within the Borough of Flemington

WHEREAS, the medical use of cannabis is authorized in the State of New Jersey pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:61-1, *et seq.* ("**CUMMA**"); and

WHEREAS, on February 22, 2021, Governor Murphy signed into law the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act", N.J.S.A. 24:61-31 *et seq.* ("**CREAMMA**"), which provides for the legalization of a cannabis market that will be subject to State regulation by the Cannabis Regulatory Commission (the "**Commission**") for the cultivation, distribution, and sale of cannabis, and legalizing the recreational use of marijuana by adults 21 years of age or older, subject to the comprehensive regulatory and licensing scheme to be established by the Commission; and

WHEREAS, the Borough of Flemington ("Borough" or "Flemington") expressly authorized the operation of medicinal and recreational cannabis retailers in certain zoning districts and subject to certain restrictions pursuant to Ordinance No. 2021-14 (the "Ordinance"); and

WHEREAS, on October 25, 2021, the Borough adopted Resolution 2021-224 in support of the of the operation of a medical cannabis dispensary (also known as an Alternative Treatment Center ("ATC")) by Aunt Mary's Dispensary, LLC, formerly known as Altus New Jersey, LLC ("AMD"), at 100 Reaville Ave, Flemington, New Jersey (the "Location"); and

WHEREAS, pursuant to N.J.S.A. 24:61-46(a)(3)(a)(ii), AMD has the right, by virtue of its status as an ATC, to become an Expanded ATC (i.e. a dual-use medical and adult-use retail facility), provided it submits, among other things, proof of local support for adult-use activities from the municipality within which it is located; and

WHEREAS, the Location is within the Borough's Highway Retail (HR) Zoning District; and

WHEREAS, pursuant to the Ordinance, adult-use cannabis dispensaries are permitted as conditional uses in the HR District; and

WHEREAS, AMD appeared before the Borough Council on November 28, 2022 to request the required proof of "local support" to include the sale of adult-use cannabis at the Location; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, as follows:

1. The Mayor and Council believe that the Borough would benefit from the location of both an ATC and Class 5 Retail License within the Borough, subject to compliance with the Ordinance and required approvals from the Land Use Board.
2. Representatives of AMD have made presentations before the Mayor and Council regarding its proposed operations at the Location.
3. The Ordinance permits the operation of ATCs and Class 5 Retailers as a conditional use in the HR District, subject to certain conditions, including site plan approval by the Borough Land Use Board, which the Mayor and Council understand that AMD is currently actively pursuing.
4. This resolution of support in favor of AMD for its operations as both an ATC and Class 5 Retail License would not exceed the limits established by the Ordinance for cannabis retail.
5. The Mayor and Council believe that the Location and operation by AMD as both an ATC and Class 5 Retailer, i.e., an Expanded ATC is in the best interests of the Borough.
6. The Mayor and Council respectfully request that the Commission accept and view this Resolution as evidencing the Borough's support of the Commission approving AMD as an Expanded ATC at the Location, and as fulfilling any requirement under CUMMA and the Act for the Borough to demonstrate such support.
7. This Resolution shall take effect immediately.

Adopted: November 28, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/28/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-240**

DOC ID: 3962

Confirming the Support of the Location and Operation of a Cannabis Dispensary by McGraw Holdings New Jersey, Inc., on Block 43 Lot 9.01, Within the Borough of Flemington

WHEREAS, the medical use of cannabis is authorized in the State of New Jersey pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, *et seq.* ("CUMA"); and

WHEREAS, the Borough expressly authorized the operation of cannabis cultivators and retailers in certain zoning districts and subject to certain restrictions pursuant to Ordinance 2021-14; and

WHEREAS, on December 7, 2021, the Cannabis Regulatory Commission (the "Commission") awarded McGraw Holdings New Jersey, Inc. ("McGraw") a license to operate an Alternative Treatment Center pursuant to CUMA; and

WHEREAS, on December 13, 2021 the Borough Council adopted resolution 2021-156 providing proof of "local support" pursuant to the Final Agency Decision for McGraw to operate a medical cannabis dispensary on Stangl Road, Block 30 Lot 10, in the Borough; and

WHEREAS, subsequently, the Borough Council adopted Resolution 2022-41 on January 10, 2022 amending Resolution 2021-156 to provide support for locating a medical dispensary on property located at Block 43, Lot 9.01; and

WHEREAS, the proposed location is within the Highway Retail (HR) Zoning District; and

WHEREAS, pursuant to Ordinance 2021-14, medical cannabis dispensaries are permitted as conditional uses in the HR District; and

WHEREAS, McGraw has requested that the Borough confirm its support of the location of a medical cannabis dispensary.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey as follows:

1. The Mayor and Council believe that the Borough of Flemington would benefit from the location of a medical cannabis dispensary within the Borough, subject to compliance with Ordinance 2021-14 and required approvals from the Land Use Board.
2. McGraw Holdings New Jersey, Inc., proposed to locate a medical cannabis dispensary on property located in the Highway Retail (HR) Zoning District at Block 43, Lot 9.01.

3. Ordinance 2021-14 permits the operation of a medical cannabis dispensary as a conditional use in the HR District, subject to certain conditions, including site plan approval by the Borough Land Use Board.
4. This resolution may be used by McGraw Holdings New Jersey, Inc., as proof of local support required by the Cannabis Regulatory Commission pursuant to the Final Agency Decision dated December 7, 2021 awarding McGraw Holdings New Jersey, Inc., a license to operate an Alternative Treatment Center.
5. This Resolution shall take effect immediately.

Adopted: August 22, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/28/22 07:30 PM
Department: Governing Body
Category: Financial Approval
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-239**

DOC ID: 3957

Authorizing the Mayor and Clerk to Sign a 2023-2025 Collective Bargaining Agreement with PBA Local 188 Representing Flemington Police Department

WHEREAS, The Borough has been negotiating with PBA Local 188 representing the Flemington Borough Police Department; and

WHEREAS, the Borough and the PBA Local 188 have mutually agreed to the terms set forth in the agreement; and

WHEREAS, the Borough Labor Attorney has reviewed this agreement.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the Mayor and Clerk be authorized to sign the agreement between the Borough of Flemington and Hunterdon County PBA Local 188 for the period of January 1, 2023 through December 31, 2025.

Adopted: November 28, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk