

**LOWER ALLOWAYS CREEK TOWNSHIP  
MASTER PLAN RE-EXAMINATION  
February 10, 2012**

**INTRODUCTION**

Each municipality in New Jersey is required by the Municipal Land Use Law (MLUL) to re-examine its Master Plan and development regulations at least once every ten years. Lower Alloways Creek Township adopted a Master Plan, consisting of nine elements, including a Land Use Plan, in 1992. The Township re-examined its Master Plan in 1999 and 2005. The Master Plan establishes the legal basis for a community's vision of its land use as legislated through its Land Use Ordinance. In order to be legitimate, land use ordinances should have a basis in the policy of the Master Plan. Therefore, when new land use ordinances are considered, their purpose should be based on the policy of the Master Plan.

The Township Planning Board believes that the 1992 Master Plan and its Re-examinations continue to serve the needs of the Township. The Master Plan forms a legitimate base for the Land Use Ordinance which, in turn, reflects the Township's land development policies. Principally, the policy of the Master Plan is to make land use decisions which continue the strong agricultural economy, preserve the rural character of the community and conserve natural resources.

Since the last re-examination, there have been policy changes at the state level, local circumstances, and , technological innovations which require a re-assessment of how the Township should implement the policy of the Master Plan. In particular, the Township Planning Board wants to re-iterate and clarify its commitment to the original Master Plan goals in light of any changed policies and assumptions adopted at higher levels of government.

The MLUL has specific requirements for a Reexamination. Section 40:55D-89 requires that all Re-exams shall cover:

- The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.

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- The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommend changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality. [NOTE: This requirement is not relevant to Lower Alloways Creek as the Township has not in the past and does not intend to pursue redevelopment under the "Local Redevelopment and Housing Law."]

This Re-exam will look at the problems and objectives as detailed in the 2005 Re-examination and re-evaluate them in terms of their relevance under any changes in policy and circumstance which have occurred in the last six years. In order to do that, the report is divided into three sections and a Summary after this Introduction. The first part will examine the major changes, local, county and state-wide, which are influencing the Township's land use.

The second part will briefly review the 1992 Master Plan and subsequent Re-examinations in terms of their policy and intent for the Township. The original intent will be re-stated and strengthened in a Vision Statement which, while re-iterating the values of the original Master Plan will account for the changes in circumstance and policies as delineated in Section One. This Vision Statement will be formulated based on the 1992 Plan's objectives which remain the underlying basis of the Township's planning policy.

Section Three will consider each of the 2005 Re-examination's recommendations, as well as new issues or concerns which have arisen. It will discuss the ramifications of each issue and propose an action for the Board to consider. In the Re-examination's summary, an action agenda which will facilitate enacting the policy of the Master Plan is proposed for adoption by the Planning Board.

### **SECTION ONE: CHANGES IN ASSUMPTIONS, POLICIES AND DEMOGRAPHICS**

The 2010 census provides Lower Alloways Creek with important information in terms of changes in gross population and age cohorts. While the census results' impact on land use may not be immediately felt, the shift in age within the Township will eventually generate some changes in the Township's economy and services which should be recognized for planning purposes.

The 2010 census shows a population loss of 81 persons which is about 4.5% of the total Township. While a 4.5% loss is not large, the Township's small size gives it more weight. In addition, the age groups which lost population have significance. Because the largest losses are in the 25 years to 44 years cohort, the indication is that the losses are due to out-migration. And since that age cohort lies within the child bearing years, it is not surprising that the second largest age group loss is in children under nine years (See Figure 1).

**Figure 1**

<b>DP-1: Profile of General Demographic Characteristics: 2000 and 2010</b>				
	<b>2000</b>		<b>2010</b>	
<b>Subject</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
<b>Total population</b>	<b>1,851</b>	<b>100</b>	<b>1,770</b>	<b>100</b>
<b>SEX AND AGE</b>				
Male	894	48.3	867	49
Female	957	51.7	903	51
Under 5 years	121	6.5	84	4.7
5 to 9 years	129	7	106	6.0
10 to 14 years	115	6.2	128	7.2
15 to 19 years	120	6.5	121	6.8
20 to 24 years	81	4.4	85	4.8
25 to 34 years	205	11.1	138	7.8
35 to 44 years	338	18.3	254	14.3
45 to 54 years	262	14.2	303	17.1
55 to 59 years	119	6.4	118	6.7
60 to 64 years	103	5.6	127	7.2
65 to 74 years	140	7.6	181	10.2
75 to 84 years	88	4.8	91	5.1
85 years and over	30	1.6	34	1.9
Median age (years)	39.5	(X)	44.2	(X)

In spite of the overall population loss, there was a gain in the overall cohort from 45 years through over 85 years. This signals a significant change in the distribution of ages within the Township. While such statistical anomalies are common in a small sample, the reality for the Township is that there are an increasing number of people of retirement age and older and a decreasing number of working age people. As can be seen in Figure 1, the median age in the Township rose 4.7 years within the last ten years. This change in distribution may have an effect on housing demand, recreation needs, community services needs and other land use issues in the coming years.

On a wider scale, changes in policy at the state level require review in terms of Lower Alloways Creek's planning. The legitimacy of the state's affordable housing regulations, as mandated by the Fair Housing Act, have been disputed in state courts for several years. While all of the current regulations are in force in spite of the dissolution of COAH and the transfer of its powers to the DCA, the current Governor's administration has made clear that it does not want to place onerous bureaucratic burdens on the municipalities. But court challenges to any changes in the current

regulations, as well as challenges to the regulations as they now stand, will probably continue to delay any clear determination for local entities as to how to proceed.

Presently, Lower Alloways Creek does not have an updated Housing Element in its Master Plan. But data shows that the Township's current housing stock is very affordable with over 1/3 of owner occupied houses valued at less than \$100,000 and 80% of the housing stock valued at less than \$150,000 (in Year 2000 figures). In other words, the Township functions as an inclusive, affordable housing community without State regulations to enforce compliance. Nevertheless, Lower Alloways Creek intends to comply with all state regulations as soon as State policy on how this is to be done is clarified.

As with housing, state government has been vacillating over issuing rules on waste water quality for several years. The land use impact of any new rules may be substantial for Lower Alloways Creek since most homes outside the villages are on septic systems. The proposed NJ DEP model and accompanying regulations to implement it must be considered, not only for their regulatory impact but also with the idea that they provide a scientific foundation for decreasing overall density within the watershed to a level which will preserve water quality in the long term. Zoning, particularly residential zoning, may need significant re-thinking with the new model. New housing will be, to a large extent, influenced by the long awaited regulations. The DEP model for septic system density, as it is now formulated, will require significantly lower density overall across watersheds in areas which utilize individual septic systems. Larger lot zoning may be required in some areas to meet stricter standards.

The January, 2012 legislative passage and signing of a 180 day extension for filing of county and local Wastewater Management Plans postpones, but does not resolve, the issue of water quality in areas without public sewer. The DEP will eventually impose some restrictions on development in areas which are not planned for sewer extensions. Since most of Lower Alloways Creek is outside any planned sewer areas, the Township should begin now to consider how it will manage any new restrictions brought about by enforcement of the DEP nitrate dilution model within its watersheds.

Changes in technology are another issue which the Township must consider in terms of its Master Plan policy and land use. State policies and decreasing costs have propelled an increase in the utilization of alternative energy facilities, both small scale and industrial scale. The Township's planning policy with regard to this issue should be formulated so that it can fulfill its public obligation to encourage and provide alternative energy on a scale appropriate for its environment and right for its long held goals and vision of the type of community it wants to be. The challenge facing Lower Alloways Creek will be to reconcile its long term goal of remaining an agricultural, rural community if industrial scale solar energy is proposed for prime farmland. Local citizens should be able to install, by right, alternative energy facilities which do not produce more energy than the consumption of the principal use of the property (net metering facilities). Large industrial facilities which threaten the character of the Township should require closer examinations before approvals.

A final issue which is subject to changes in state and national policy is the nuclear plant within the Township. The nuclear plant has had an enormous impact on land use and land planning in Lower Alloways Creek. The impact on roads, the positive fiscal impact and the ever present safety issues should be acknowledged in the Master Plan. If changes to the nature of the plant should come about,

a clear Master Plan vision, which encompasses the importance of the plant, will stand as the basis of land use policy to which those changes should conform.

The extent that the census data and fluctuations in state policies will affect the recommendations in the last Master Plan re-examination are centered around the basic goals of the Master Plan itself. Since 1992, there has been no change in the Township's belief in the fundamental basis upon which the Master Plan was structured.

## **SECTION TWO: MASTER PLAN GOALS AND OBJECTIVES**

The Land Use Element of the 1992 Master Plan has five objectives as part of its "Land Use Plan." In addition, the other eight elements have a total of 37 additional recommendations. Finally, the 2005 Re-examination makes 20 recommendations of its own. There is some overlap among the goals and the recommendations. Overlaps among goals and recommendations indicate a strong consistency of theme and purpose which is the hallmark of an effective document. On the other hand, several of the goals have no accompanying recommendations or implementation agendas. Goals without objectives or an action plan weaken a document.

The Land Use Plan goals require clarification to form a coherent vision statement for Lower Alloways Creek. The various recommendations need to be examined, analyzed and brought current due to changed assumptions and circumstances as discussed in Section One. By consolidating recommendations and framing implementation actions for the array of goals and objectives in the Master Plan and re-examinations, this Re-examination will advance issues which are relevant and within the Township's commitment to the Master Plan's intent.

The 1992 Land Use Plan utilizes the information from the eight Master Plan elements to formulate five primary objectives for the Township. These have remained constant over the years and form the basis for planning in the Township. They are:

1. Recognizing and incorporating past planning decisions which are consistent with present local and regional needs.
2. Recognizing the physical characteristics of the Township and acknowledging the inherent capabilities of the land to host different types of community development at appropriate densities and intensities. The objective then is:
  - a. Conservation of existing natural resources as an integral part of the planning process
  - b. Preservation of open space and farmland to the maximum extent possible.
3. Maintaining the eastern section of the Township as predominately rural and agricultural to reserve forested areas.
4. Protecting agricultural land from encroachments because of its economic value.
5. Encouraging development in those areas of the community most capable of providing necessary services, i.e., within existing or proposed sewer service areas.

These objectives are well supported by the 1992 Plan's detailed analysis of the physical characteristics of the Township. The Conservation Element of the 1992 Plan lays out the nature of the Township's diminished capacity for development due to its soils and its extensive wetlands. The Land Use Plan bases its goals and objectives on these findings. The Conservation and Land Use Elements together construct the basis for a coherent and simple vision statement for Lower Alloways Creek.

**Vision Statement:** The Township’s planning intent is to uphold its agricultural economy by preserving farmland from intrusive development which will also conserve limited natural resources, particularly wetlands and forested area. Inherent in this vision statement is the continuation of the rural atmosphere of the community and acknowledgement of the role the nuclear plant plays in the Township’s character.

In order to do its part in ensuring the fulfillment of this vision, the Planning Board should validate (or dismiss) the recommendations for action in the 1992 Master Plan and subsequent Re-exams. It is natural as circumstances and assumptions change that certain recommendations or planned actions will become obsolete or inadequate. Others will be acted upon and no longer necessary as part of an action agenda. The rationale for periodic re-examinations of the Master Plan is based on this realization. Consequently, the third and final section of this report will analyze existing recommendations for their relevance in light of changes in demographics and policy. It will then present possible actions for the Board to consider. All suggested actions will be based on fulfilling the stated goals and objectives of the 1992 Master Plan’s vision for the Township’s future.

### **SECTION THREE: RECOMMENDATIONS EVALUATION AND ACTION ITEMS**

This Re-examination’s recommended measures are based on Planning Board’s work sessions at which Board members reviewed past re-examinations’ recommendations for their ongoing relevance. The Board met several times, both with their consultant and on their own, to discuss how best to fulfill the Master Plan’s intent. They reviewed the 2005 Re-exam’s recommendations and considered other issues which have arisen since 2005. The following list of twenty items is based on these discussions. The Board discussed all twenty of these recommendations and developed an Action Agenda (see Summary) which it felt best met the needs of the Township at this juncture.

- A. 2005 RECOMMENDATION: A municipal vision statement needs to be developed as central in the Master Plan, describing the intention to preserve the rural/agricultural character of the Township.
- COMMENT: A clear vision statement forms the basis for defending the Master Plan and the Land Use Ordinance from challenges and/or misinterpretation.
- ACTION: Include in the Re-exam a clear statement of the Township’s vision for the future as implied in the original Master Plan.
- o Preserve farming as industry
  - o Develop only within the capacity of the environment
  - o Maintain rural character and discourage sprawl
  - o Preserve natural resources
- B. 2005 RECOMMENDATION: The Housing Plan element and COAH plan need to be completed in compliance with the Municipal Land Use Law and COAH requirements.
- COMMENT: The MLUL calls for a Housing Element and dictates what must be included. LAC does not have this information in its Master Plan. The status of affordable housing regulations

- remains in flux due to court challenges to the regulations. This instability makes it difficult for a municipality to formulate a compliant affordable housing plan.
- ACTION:** Utilize the 2010 census figures and Salem County build out analysis to produce the required Housing Element in order to establish a locally supportable affordable housing obligation based on the high percentage of existing affordable housing within the Township. It is not recommended to write a Fair Share Housing Plan for Lower Alloways Creek since, at this time, the regulations for establishing an affordable housing plan are being challenged in court and re-written administratively.
- C. 2005 RECOMMENDATION:** Lower Alloways Creek supports Smart Growth planning principles, such as discouraging sprawl and non-sustainable development
- COMMENT:** Action on this policy statement, issued as a recommendation, is covered by Recommendation A above.
- ACTION:** See A.
- D. 2005 RECOMMENDATION:** Lower Alloways Creek intends to consider implementing further “right to farm” provisions. Right to farm language should be added to checklist requirements for developments.
- COMMENT:** The Dept. of Agriculture has a model “right to farm” ordinance which is more inclusive than LAC’s current ordinance and establishes an acknowledgement procedure for land buyers.
- ACTION:** Recommend that the Township committee adopt parts of the model SADC municipal “Right to Farm” ordinance and add the Real Estate disclosure form to the Subdivision checklist for land which abuts active farmland. The Board should review all the “by right” activities in the model and choose those that best fit Lower Alloways Creek’s needs. (see E. below)
- E. 2005 RECOMMENDATION:** Lower Alloways Creek will continue the protection of its natural resources including wetlands, floodplain, forested areas, wildlife habitats and stream corridors.
- COMMENT:** The Board should note the nine natural resource protection recommendations in the 1992 Master Plan and either move toward fulfilling or clarify that the recommendation has changed. They are divided into three broad categories:
1. Environmental considerations in evaluating applications through EIS statements;

2. Farmland preservation and water quality conservation through:
  - a. Clustering of new major developments proposed for prime farmland ,
  - b. Good farm practices such as erosion reduction and minimal soil disturbance,
  - c. Removal of disincentives to agriculture in all land use ordinances;
3. Revision of Right to Farm ordinance to require subsurface injection of liquid waste to prevent nuisance odors.

**ACTION:**

Some of the Conservation Element recommendations have been implemented, at least, partly. The Board could recommend some new ordinances to generate a larger environmental component in application consideration if it feels that there is a threat to natural resources under the current ordinances.

1. The Township has instituted consideration of Environmental Considerations (Section 4.11 of the Land Use Ordinance) as part of Board approval of all site plan and subdivision ordinances and the requirement for an EIS is part of the General Requirements Checklist.
2. The Board could consider recommending a cluster ordinance to the Township Committee which would apply to the A-R district and include larger lot zoning and density bonuses for clustered lots or package treatment plants. This would be in line with the NJDEP model which seeks overall watershed density of 7+ acres/unit under the conditions in Lower Alloways Creek.  
And/or the Board could recommend an ordinance which creates incentives for increased density in the publically sewerred areas where there is additional capacity and increased density is less environmentally precarious.  
The model SADC “Right to Farm” ordinance does place more emphasis on the “best management” practices such as erosion reduction and soil disturbance. If the Board recommends implementing additional provisions of this model ordinance, it would be in line with this 1992 recommendation.
3. Removal of nuisance odors is also a “best management” practice as advocated in the state’s model Right to Farm ordinance so this recommendation would be included in an expanded Right to Farm ordinance.

- F. 2005 RECOMMENDATION: The visual impact of new development will be minimized through the use of natural buffers for safety and visual attractiveness
- COMMENT: There are two issues which the Board should consider with regard to this recommendation.
1. The current buffer requirement for a non-residential use abutting a residential use is 10 feet of landscaping within a 25 foot width. This is insufficient to screen two incompatible uses.
  2. The buffer between a qualified farm and any development is set at 100 feet in addition to any yard requirements in the development without regard to the size of the development. Farm operations may need a larger protection area when the scale of adjacent development is more urban to protect normal farm practices from more developed lands' constraints.
- ACTION: For Board consideration:
1. Recommend an ordinance to the Township Committee increasing the minimum buffer between two incompatible uses to 50 feet width with adequate landscaping to screen the two uses.
  2. Recommend increasing buffer to 200 feet on new major development of 25 units when adjacent to qualified farmland.
- G. 2005 RECOMMENDATION: The Township will continue to protect existing transportation routes from development that exceeds the capacity of the road system.
- COMMENT: This reiterates the 1992 Master Plan recommendation that road improvements should not be initiated which open rural areas to development. The Board is primarily concerned about a major development on some of its more rural roads which could not accommodate the traffic. In addition, the rural character of the Township's roads is dependent on minimizing curb cuts to prevent ribbon development along road frontage.
- ACTION: The following actions are for consideration as Re-exam recommendations:
1. The Board should establish right of way widths as recommended in the 1992 Master Plan for Township roads and recommend ordinances which require developers to dedicate the width.
  2. The Board could recommend increasing the minimum road frontage for development in the A-R district to 300

feet from 200 feet which would reduce ribbon development somewhat.

- H. 2005 RECOMMENDATION: The Stormwater Management Plan and associated ordinances are in the process of being adopted.
- COMMENT: Accomplished
- ACTION: None needed
- I. 2005 RECOMMENDATION: LAC supports the reinstatement of New Bridge Road as an alternate evacuation route.
- COMMENT: This is not really a land use issue but a county public safety issue as it is a county road. But if New Bridge is to remain closed, the impact on the circulation plan should be determined.
- ACTION: Consideration should be given to a recommendation to re-visit the circulation plan in light of road closings and potential new development. A plan which evaluates cartway widths, ROWs, traffic volume capacity and impact of curbcuts in terms of an overall management assessment of Township roads would give the Planning Board a solid foundation for evaluating the impact of any new development.
- J. 2005 RECOMMENDATION: Issues involving New Bridge will continue to be examined for resolution by NJDEP and NJHP
- COMMENT: This is a Township Committee issue but does raise the 1992 Master Plan's concern with historic structures and historic preservation in the Township, which is a Planning Board matter.
- ACTION: With regard to applications and land use changes, the Board should analyze whether the Land Use Ordinance as currently written (which requires a statement of impact of development on any historic structure within 200 feet) is sufficiently protecting listed historic structures from intrusions. If the Board feels a stronger historic structure ordinance is warranted, it should recommend changes to the Township Committee.
- K. 2005 RECOMMENDATION: School enrollment figures and projections will need to be evaluated.
- COMMENT: This is not a land use issue.
- ACTION: None recommended.

- L. 2005 RECOMMENDATION: The Recreation Plan element should be updated.  
COMMENT: The Recreation Plan element seems adequate for the pace of municipal development. The 2010 Census shows an increasingly elderly population which might be a factor in future recreation planning.  
ACTION: None recommended at this time.
- Salem County produced an Open Space and Recreation Plan in 2006 which advocates for bike trails for recreation and mentions a bike trail which goes through Hancock's Bridge. Recreation based traffic can be a source of economic development within the Township where small retail has struggled in the past.
- M. 2005 RECOMMENDATION: LAC supports continuation of the County supplied senior citizen transportation program and visiting nurses.  
COMMENT: This is not a land use issue.  
ACTION: None recommended at this time.
- N. 2005 RECOMMENDATION: The Township should examine and consider the Transfer of Development Rights (TDR) program.  
COMMENT: Instituting a TDR program under current State law is an arduous and complicated process, costing hundreds of thousands of dollars. It is not clear that LAC has the necessary sending and receiving area balance to pass the strict real estate market analysis which is required for a TDR program under State regulations.  
ACTION: Salem County is participating in an investigation of county wide TDR through DVRPC. The Re-exam should acknowledge this ongoing study and the Board should request updates as this program progresses in terms of possible Township participation.
- O. 2005 RECOMMENDATION: Wildlife management area efforts need to be evaluated and made more comprehensive, particularly in view of the increased wildlife management areas.  
COMMENT: Almost 80% of the wildlife management acreage in LAC is State owned and managed. Cutbacks at the state level will impact the quality of management of state owned lands, but this is not an issue that the Planning Board can exercise control over with ordinance recommendations.  
ACTION: The Planning Board, as part of the Re-exam, could recommend to the Township that it establish a set of wildlife management area minimum performance and maintenance

standards. This would give a basis for the Township to approach the State if it feels that the Wildlife Management Areas have deteriorated.

- P. 2005 RECOMMENDATION: Farmland preservation and tillable land information and figures need to be updated.
- COMMENT: Salem County's 2008 Farmland Preservation Program and subsequent data are now available. The County program is updating preserved farms on GIS as they come into the program. In order for Lower Alloways Creek to institute a complimentary program for municipal level funds from the State, it would need to produce its own Farmland Preservation Plan. Since the County plan includes all of LAC's agricultural district as an priority area, there is not a compelling reason to do this.
- ACTION: The ongoing recommendation is to utilize county farmland preservation services and funding to continue preservation efforts.
- Q. 2005 RECOMMENDATION: The examination of the small Commercial district determined that the zoning district should remain unchanged.
- COMMENT: Accomplished
- ACTION: No action necessary
- R. 2005 RECOMMENDATION: The adequacy of age appropriate recreational opportunities based on recent census data should be further examined.
- COMMENT: See L
- ACTION: See L
- S. 2005 RECOMMENDATION: A Farmland Element should be prepared as part of the next Township Master Plan..
- COMMENT: See P
- ACTION: See P
- T. 2005 RECOMMENDATION: Township ordinances need to be evaluated relative to Board members and alternates; zoning officer's duties; time of expiration of variances; site plan requirements; permitting procedures; open space requirements; stormwater management; fees; bulk standards; upgrades to infrastructure; as well as other areas in the zoning, site plan/subdivision and design standards sections of the Township codes.
- COMMENT: This "catch all" recommendation basically advocates that the Board take time, at least yearly, to look at its actions and their

- ramifications from the previous year and consider whether any changes in procedures or regulations or ordinances would be better for planning in the Township.
- ACTION:** The Board could establish a policy requiring a once a year review of Board actions in a workshop session. Board professionals could update the Board on changes at the State and regional level which affect them. This would ensure that the Board remain aware of planning policy in the time between Re-examinations.
- U. 2011 ISSUE:** The Conservation Element refers to preservation of energy as one of its purposes. In any consideration of a wind and solar ordinance, the purpose should specify that it is based on the Conservation Element of the Master Plan.
- COMMENT:** A net metered wind and solar ordinance would fulfill Lower Alloways Creek's commitment to encourage and provide alternative energy on a scale appropriate for its environment and right for its long held goals and vision of the type of rural community it is.
- ACTION:** The Re-examination should recommend that the Township Committee institute a small scale alternative energy ordinance for net metering which would remove obstacles to the installation of solar or wind energy for local consumption.
- V. 2011 ISSUE:** There are an increasing number of outdoor furnaces in the Township which have raised environmental, nuisance and safety concerns with regard to pollution, odors and uncontrolled emissions.
- COMMENT:** Outdoor furnaces are a cheap but inefficient (with heat transfers as low as 20%) method of home heating. They are subject to incomplete combustion which creates smoke full of super fine particulate matter, a source of air pollution which is dangerous to the very young and elderly as well as those suffering from lung disorders. They raise questions about violations of the New Jersey "Control and Prohibition of Smoke from Combustion of Fuel (N.J.A.C.:27-3) and "Prohibition of Air Pollution" (N.J.A.C. 7:27-5) Acts.
- ACTION:** The Re-examination should recommend an ordinance regulating outdoor furnaces so that they are utilized in a manner ensuring the health, safety and general welfare of all the residents of Lower Alloways Township.

## **SUMMARY**

The twenty issues discussed in this report cover the spectrum of recommendations/issues ranging from the 1992 Plan through the 2005 Re-examination and include matters which have arisen due to changes

since 2005. The action items produced from this list can be grouped into four categories in terms of underlying basis and outcome. These are:

- Resolved or Irrelevant
- Requires monitoring by the Board
- For consideration in the future
- For immediate consideration and action

Five of the issues (stormwater management, school enrollment, a county transportation program, the need for a municipal Farmland Element and the commercial district) fall into the Resolved or Irrelevant category.

The Board should take seriously and follow up on the four issues which require monitoring. They are the ongoing TDR study by Salem County, the possibility of changing recreation needs as the population ages, the integrity of the historic structures in the Township, and the overall recommendation for a yearly Board “workshop session” at which ongoing or new issues of concern with regard to land use can be considered and, if necessary, referred to the Township Committee for Ordinance changes.

The Circulation Plan should be on the Board’s schedule for near future attention due to several current and pending factors. The continued closure of New Bridge road has impacted citizens and changed circulation within and through the Township. This road cuts through the major farming section of the Township. The closure of the bridge places additional traffic volume on County Route 658. The Board should consider a road capacity study in the next five to ten years, with the timing dependent on events at the nuclear plant and development pressure.

Consideration of a cluster ordinance and larger lot zoning in response to any DEP wastewater regulations should await the end of any legislative extensions to deadlines for new Wastewater Plans and the conclusion of the Salem County TDR study. At that point, the Board can consider all the regulatory and beneficial aspects of changes to its zoning for smart growth and water quality.

This Re-examination recommends that the Planning Board immediately consider the following actions to fulfill the intent of the Master Plan and to meet the changing assumptions and circumstances of present day land use.

1. Adopt a Vision Statement which summarizes the intentions of the 1992 Master Plan.
2. Prepare a Housing Element in compliance with the Municipal Land Use Law based on the 2010 census data. This will give the Township a solid foundation for any requirements which may come out of the multiple affordable housing court cases and changing State policy. The Housing Element should not attempt to fulfill the current myriad requirements for a Fair Share Housing Plan, but should simply establish the basic facts related to the housing situation in Lower Alloways Creek as required by 40:55D-310. In that manner, the Township will be in a better position to adopt any new affordable housing regulations which the State decides upon and to defend against any developer suits.
3. Recommend that the Township Committee expand the Right to Farm ordinance to more closely resemble the State model ordinance, including the Real Estate disclosure form. The Board specifically recommends excluding from the local ordinance:

- Housing and employment of necessary farm laborers
  - Processing and packaging of the agricultural output of commercial farms
  - The operation of a farm market (since it is included elsewhere in the Ordinance)
  - Disposal of organic agricultural waste which is not from the site.
4. Recommend to the Township Committee that the buffer ordinance be strengthened to require a 50 foot buffer between non-compatible uses and that major developments over 25 units provide a 200 foot buffer if they are adjacent to qualified farmland.
  5. Recommend that the Township Committee adopt an alternative energy ordinance which permits net metered wind and photo-voltaic facilities by right in certain districts as long as the ordinance standards are met. This would allow local residential and agricultural uses to utilize alternative energy savings by permit rather than through site plan applications. Non-residential uses would still be required to submit site plans but they would not require variances as long as they met the standards laid out in the new Ordinance.
  6. Recommend the adoption of an outdoor furnace ordinance that sets standards for setbacks and performance in order to safeguard the health and safety of residents.

It is the Planning Board's duty to, not only review developments as they occur, but to formulate planning policy based on the Township's will. The 1992 Master Plan was intended to manage growth in Lower Alloways Creek in a manner which will retain its distinctive rural character, bolster its agricultural economy and preserve its superb natural resources. The Planning Board must take a leadership role in recommending necessary actions to the Township Committee to maintain the Master Plan's goals and objectives for the future.