

**2023**  
**Master Plan Reexamination Report**  
**Land Use Element Plan Update**  
**Township of Branchburg**  
**Somerset County, New Jersey**

Prepared for:  
Township of Branchburg Planning Board

Prepared by:



Adopted on **March 8, 2023** by the Township of Branchburg Planning Board.

*The original of this document has been signed  
and sealed in accordance with New Jersey Law.*

  
Kendra Lelie, PP, AICP  
NJ Professional Planner No.: 5537

## **Acknowledgements**

### **Planning Board**

Douglas Chabrak, Chair  
Laurel Truppi, Vice Chair

David Owens, Township Committee  
Anna Columbus, Township Committee  
Maria Donegan  
Frank Devlin  
Alan Verbeke  
Vicki Cook Young, Secretary

Maria DeSimone, Board Clerk/Land Use Secretary

Douglas Ball, PE, Township Engineer

Steven Warner, Esquire, Board Attorney

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## **I — Introduction**

The New Jersey Municipal Land Use Law (M.L.U.L.) requires that each municipality in New Jersey undertake a review of its master plan and prepare a reexamination report at least once every ten years. The purpose of the reexamination report is to review and evaluate the master plan and municipal development regulations on a regular basis to determine the need for updates and revisions. The reexamination report also is intended to review the progress of the municipality in achieving its planning objectives, and to consider the need for changes to ensure that the master plan is current and meets the needs of the municipality. In addition, the preparation of a statutorily compliant reexamination report provides a presumption of validity of the municipal zoning ordinance under the law.

The Township of Branchburg originally adopted a master plan in 1983. In 1988, however, it adopted a new master plan, which superseded the 1983 master plan and included the following elements: land use; recreation and community facilities; housing; utilities; conservation; historic preservation; and traffic and circulation.

Since 1988, Branchburg has amended its master plan at several points, as follows:

- 1993, with the adoption of an updated Land Use Element;
- 1997, with the adoption of a Housing Element and Fair Share Plan;
- 1998, with the adoption of an updated Recreation Plan Element;
- 1999, with the adoption of a Historic Preservation Plan;
- 2004, with the adoption of a Farmland Preservation Plan;
- 2009, with the adoption of a Bicycle and Pedestrian Plan;
- 2010, with the adoption of an updated Housing Element and Fair Share Plan;
- 2011, with the adoption of a new Land Use Element; and, most recently, in
- 2020, with the adoption of an updated Housing Element and Fair Share Plan.

In addition to the above, master plan reexamination reports were adopted in: 1993; 1999; 2006; and 2014.

The municipal planning board is responsible for reviewing the master plan and preparing and adopting by resolution a master plan reexamination report at least every ten years. This document serves as the 2023 Reexamination Report for the Township of Branchburg as required by the M.L.U.L. at N.J.S.A. 40:55D-89.

The M.L.U.L. requires that the reexamination report describe the following:

- (a) The major problems and objectives relating to land development in the municipality at the time of the adoption of the last Master Plan update.
- (b) The extent to which such problems and objectives have been reduced or have increased subsequent to such date.

- (c) The extent to which there have been significant changes in 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.
- (d) 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 regulation should be prepared.
- (e) 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 (N.J.S.A. 40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.
- (f) The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

The 2023 Reexamination Report addresses each of the foregoing statutory requirements.

## **II — Major Problems and Objectives Relating to Land Development in Branchburg Township at the Time of the Adoption of the Last Reexamination Report**

Major problems and objectives relating to land development in Branchburg Township at the time of the adoption of the 2014 Reexamination Report are reflected in the recommendations of said reexamination report.

Major problems and objectives relating to land development are also reflected in the objectives and recommendations of the 2006 Reexamination Report to the extent that they are found relevant by the 2014 Reexamination Report.

Additionally, the 2011 Land Use Element's detailed series of goals, objectives and recommendations provide insight to the major problems and objectives relating to land development to the extent that they have not been identified by the 2014 Reexamination Report as having already been addressed.

The following subsections outline: the recommendations of the 2014 Reexamination Report; the objectives and recommendations of the 2006 Reexamination Report; and the goals, objectives, and recommendations of 2011 Land Use Element.<sup>1</sup>

### **2014 Reexamination Report Recommendations**

1. **LD Zones:** There are several "LD" zones, each with a basic underlying density of one (1) dwelling unit per acre, but having somewhat different requirements. The LD zones should be examined to determine if a consolidation/simplification of the zone regulations is appropriate. If determined to be appropriate, then the zone district regulations and the zoning map should be amended to reflect the changes.
2. **MDR Medium Density Residential Zone:** The MDR zone is fully developed and the current ordinance is not aligned with the existing conditions. This zone should be reviewed and amended to reflect the nature of the existing development.
3. **Definitions:** §1-2.2 should be amended to reflect new definitions required as ordinance revisions/updates are developed.
4. **Affordable Housing Sites:** The last Housing Plan Element/Fair Share Plan was adopted in 2010 and was sent to the Council of Affordable Housing (COAH)

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<sup>1</sup> Goals, objectives and recommendations of the 2006 Reexamination Report and 2011 Land Use Element are not reported when they have been identified in the 2014 Reexamination Report as having been addressed.

for a determination of substantive certification. COAH has taken no action on the plan, as the legal challenges to COAH’s regulations have persisted. While the status of COAH and affordable housing regulations remains unsettled at this time, it is anticipated that COAH will expedite adoption of new rules after the expiration of their comment response deadline in November 2014. Barring any stays by the Court, the adoption of the new regulations will necessitate the creation and adoption of a new Housing Plan Element/Fair Share Plan. As a new housing plan is in development, the integration of new affordable housing development within the existing context of neighborhoods and districts will become an acute need. In order to create informed policies with respect to the location of affordable housing, it is recommended that an examination of potential sites be undertaken, pursuant to a set of comparative criteria, that reflects broader land use policies in order to ensure thoughtful integration of affordable housing within Branchburg. The land use regulations and zoning designations of sites fulfilling such criteria should be amended accordingly as necessary.

5. Governmental Uses and Public Utility Facilities: The definition of “Governmental Uses” should be clarified to exclude “Public Utility” uses.
6. Accessory Structures: The nature of accessory structures and buildings should be reviewed to ensure that permitted development of accessory uses and elements is calibrated to ensure that the size, extent, character and location of these elements are synchronized with the district character wherein they are developed.
7. Signs: Regulations for permanent and temporary signs, and signs on vehicles, should be reviewed and updated. Particularly, the regulations for permanent and temporary signs should be revisited to address current trends in sign utilization and violations.
8. Wall and Fences: The definition of “fence” should be examined and, if determined to be necessary, amended to provide better clarity. The regulation of walls and fences should be consolidated with the sections addressing accessory structures.
9. Resource Conservation: §5-9 contains standards for “netting out” critical lands from land available for development, but this only applies to residentially zoned land. It is recommended that the concept of reducing development intensity for non-residential uses/districts be evaluated. Should such an approach be determined to be valid, then §5-9 should be amended to provide for calculations to “net out” critical lands for non-residential uses.

10. Floor Area Ratio: Floor area ratio (FAR) is not used broadly within all non-residential zones in order to regulate the intensity of land use/development. It is recommended that the concept of controlling development intensity for non-residential uses/districts with floor area ratio be evaluated. Should such an approach be determined to be valid, then those district regulations should be amended to provide for floor area ratios for non-residential uses.

### **2006 Reexamination Report Objectives**

1. Preserve the rural character of Branchburg's undeveloped areas recognizing the pressures of suburban development.
2. To provide a diversity of non-residential uses in appropriate locations to provide for a balance of land uses within the Township while reducing conflicts with residential uses.
3. To provide for the orderly, compatible in-fill development of remaining vacant parcels within the Township with particular attention paid to areas where non-residential development will occur in close proximity to existing residential uses.
4. To address Branchburg's affordable housing obligation.
5. To preserve and protect the Township's existing centers of North Branch and Neshanic Station.
6. To provide for the open space and community facilities of existing and future residents of the Township.
7. To identify and protect the Township's historic and natural resources.
8. To provide for the regulation of historic sites consistent with the State statutes.

### **2006 Reexamination Report Recommendations**

2. Natural Resources Inventory/Conservation Plan: The 2006 Reexamination Report recommended the development of a comprehensive natural resources inventory, which updates the 1983 Master Plan using GIS technology and current natural resource data from NJDEP and serves as a basis for comprehensive conservation planning.

The 2014 Reexamination Report noted that: the recommendation to prepare an updated Natural Resources Inventory/Conservation Plan remains

relevant; and the Township should undertake a natural resource inventory to serve as a basis for a comprehensive conservation plan, which outlines Branchburg's ambitions for the preservation, conservation and utilization of natural resources.

4. Age-Restricted Housing: The 2006 Reexamination Report recommended to include a Planned Adult Community (PAC) district within industrial zones in close proximity to residential neighborhoods, which may offer several advantages, including reducing boundary conflicts and serving as transitions between residential neighborhoods and higher intensity uses.

The 2014 Reexamination Report noted that, in 2009, the New Jersey Legislature enacted the Conversion Law in response to a shortage of affordable housing and oversupply of age-restricted, market-rate housing. The Conversion Law permits the conversion of a residential housing project from an age-restricted development to market-rate development under certain circumstances. The 2014 Reexamination Report further noted that, given the downturn in the economy in 2009 and the implementation of the Conversion Law, the Township did not implement zoning for planned adult communities. Instead, the 2011 Land Use Element recommended the Assisted Living Overlay (ALO) Zone, which would accommodate assisted living and nursing home facilities and support medical and laboratory offices for Block 7, lots 1.03, 2 and a portion of 1.01. The proposed location is near Raritan Valley Community College, which provides an opportunity for the efficient placement of health care interns. The Township concluded that based upon demographic trends and in anticipation of the continued need for the "next step" in senior care, a zone district permitting such uses was warranted. In response, the 2014 Reexamination Report recommended to adopt an ordinance and map change to create an ALO Zone.

5. North Branch Hamlet Extension: The 2006 Reexamination Report recommended to engage in a visioning process that explores smart growth planning and design alternatives for the Old Route 28 area extending from the North Branch hamlet at the Raritan River to Route 22. The area provides a unique opportunity for pedestrian-friendly mixed-use neighborhoods with an attractive streetscape while reinforcing the historic center.

The 2014 Reexamination Report noted that the Township completed the North Branch Vision Plan in 2009. The Vision Plan was in response to concerns of local officials and residents about increased traffic problems along the highway corridor and the impact of existing development patterns and future growth on the unique character of the area. The Vision Statement, as provided below, was developed after an extensive public outreach process

including focus groups, written questionnaires, public meetings, and website programs:

*North Branch hamlet, a key link to the Township's past, has remained a haven from the large scale industrial, institutional, and commercial developments that are just over the hill and down the road. North Branch maintains its quaint historic setting, nestled along the Raritan River as it has been for centuries, and homes here have been maintained to show off their historic character.*

*Since traffic along Easton Turnpike was calmed to respect the pedestrian and neighborhood boundaries, residents again enjoy the pace of life in the Hamlet. The roadway modifications that relieved traffic pressures and slowed the pace of through traffic have made North Branch more livable, and an improved quality of life has reinvigorated the residential lifestyles and values of homes in the hamlet.*

*Residents no longer worry about the livability of North Branch as they once did. The traffic that would have clogged local roads as new development occurred was met with new routes of travel that took traffic away from Old Route 28 toward Route 22. Instead of the large footprint industrial and office buildings that would have been out of scale with the existing historic character of North Branch, revised land use policies brought residential neighborhood expansion that has grown the hamlet (organically and outside the floodplain).*

In response to the issues identified from public outreach efforts and a comprehensive existing conditions analysis, specific recommendations for short-term and long-term improvements were provided. The recommendations included detailed objectives that focused on improving connectivity, protecting the community character, and ensuring sustainability. The objectives ranged from physical improvements to specific land use/zoning revisions.

The 2014 Reexamination Report recommended that the Township should concentrate on implementing the following objectives that were identified in the North Branch Vision Plan with zoning ordinance and design guideline revisions and capital improvement projects:

**Connectivity**

1. Install traffic-calming devices to slow the speed of traffic and deter drive-thru users.
2. Minimize future commuter-generating traffic along the corridor through rezoning.
3. Provide a continuous sidewalk connection throughout the corridor.

**Community Character**

1. Increase the visibility of the North Branch village as a sense of place by using welcome signage, street lighting, tree-lined medians and creating meaningful gateways.
2. Replace incompatible industrial zoning with districts that reflect the existing conditions and resources of the area.

**Sustainability**

1. Protect the historic resources of the village.
  2. Partner with regional and state entities on possible long-term solutions to flood management.
  3. Protect the river corridor as an environmentally sensitive resource, scenic and recreational area.
6. Riverwalk/Bike and Hike Trail: The 2006 Reexamination Report recommended to plan for a bike and hike trail (with the financial aid in the form of a planning grant from Somerset County) spanning the length of the greenway corridor with connections between preserved open spaces and residential neighborhoods.

The 2014 Reexamination Report noted that, in 2009, a Bicycle and Pedestrian Plan was developed. Said plan created a Township-wide bicycle and pedestrian system to be implemented in phases. The 2014 Reexamination Report recommended that the Township should continue the pursuit of funding to implement the plan.

7. Scenic Resource Management Guidelines: The 2006 Reexamination Report recommended to develop a technique to identify and categorize scenic resources and create management strategies to prevent new development from degrading the scenic character of Branchburg.

The 2006 Reexamination Report emphasized the need to protect attractive natural landscapes including floodplains, wooded stream valleys and expansive agricultural grasslands. The 2014 Reexamination Report noted the identification and categorization of the Township's scenic resources remains a valid goal and recommended that the Township should develop mapping and ordinances to ensure scenic resources are protected from new development.

8. Route 22 Vision Plan: The 2006 Reexamination Report recommended to engage in a vision process for the Route 22 Corridor situated in the Township with a focus on the existing vacant and underutilized land, which is located in a highly desirable regional location where the existing zoning that mainly permits industrial growth may not be the highest and best use or a good fit for Branchburg residents. The 2006 Reexamination Report noted that the Township recognizes the opportunity the area presents for smarter growth strategies that depart from the single use industrial development currently zoned along Route 22.

The 2014 Reexamination Report noted that, during the update of the Land Use Element in 2011, the Planning Board organized a series of public visioning sessions and focus group meetings to review the Route 22 Corridor. Concerned residents and business owners identified traffic calming and current industrial-based zoning as factors that require attention within the corridor. In response, the Planning Board proposed an overlay district that will expand the uses in the corridor to include small scale industrial and well-planned developments for limited retail, service, office and restaurant uses. The Planned Overlay (PO) Zone was proposed to be located on the south side of Route 22 from County Line Road to Easton Turnpike (CR 614). This area was noted in the 2014 Reexamination Report to contain the largest swaths of vacant and underutilized land in the Route 22 Corridor area. In response, it was recommended in the 2014 Reexamination Report to adopt an ordinance and map change to create a PO Zone.

9. Historic and Cultural Resources: The 2006 Reexamination Report recommended to update and refine the inventory of the Township's historic resources and highlight the Centerville, Burnt Mills, North Branch and Neshanic Station Historic Districts using GIS mapping and a searchable database. The 2006 Reexamination Report further recommended to develop an initiative to promote public awareness of the Township's historic sites and districts.

The 2014 Reexamination Report noted that the goal of providing a thorough inventory of the Township's historic resources remains relevant, and that the

Township should use current technology and data to document pertinent historic information that will enable the identification of strategies to prevent demolitions of historic structures or the insensitive infill in historic districts.

10. Ordinance Recommendations: The 2006 Reexamination Report recommended to prepare the following ordinance revisions, which were found to not have been addressed at the time of the 2014 Reexamination Report:
- c. Parking: Reexamine parking standards related to shopping centers and other commercial uses to ensure adequate parking is provided while considering the need to reduce unnecessary impervious areas.
  - f. Midland School: The Midland School, located within the CF (Community Facilities) Zone, sought and received use variance approval for an adult special needs residential development. Consider rezoning the Midland School property to permit an adult residential project proposed by Midland Adult Services (MAS) which would provide housing for people with disabilities. The Midland School has not, as of this point, pursued such development. At such time as the Midland School considers proceeding with this project, or should the Township consider such development in the best interests of the Township, a revision to the zoning district and requirements should be considered.
  - g. Minimum Lot Area for Unsewered Lots in the LD Zone: Based on any revisions to Branchburg’s chapter of the Somerset County Wastewater Management Plan with respect to the unsewered areas, the Township should consider adjustment of the minimum lot size requirements to meet the recommended septic disposal bed densities in order to protect groundwater resources.
  - h. Floor Area Ratio and Lot Coverage for Non-Residential Zones: Consider utilizing Floor Area Ratio requirements for non-residential development to ensure projects are properly scaled to the usable land area.
  - i. Zoning Map: Update the Zoning Map to reflect the changes from the map entitled “Proposed Changes to the Land Use Plan and Zoning Map” after the adoption of the revised land use plan. Additional revisions to the Zone Map are required in response to the noted action items found in this section of the Reexamination Report.

- j. Historic and Cultural Resource Management: Adopt new minimum lot size requirements for the Hamlet and Village Districts to ensure infill development does not damage the existing historic character and fabric. Update the purpose section for the North Branch Hamlet District and the Neshanic Station Village Residential District.

## **2011 Land Use Element Goals and Objectives**

Goal 1: Preserve the rural character of Branchburg's undeveloped areas.

- To encourage development which preserves the rural and agricultural character of Branchburg.
- To conserve community character by carefully managing the scale and intensity of new development and retaining farmland and open space.
- To protect the township's scenic vistas and conserve the character of the remaining rural countryside and the historic hamlets that give Branchburg its unique identity.
- To preserve farmland and open space in a way which is consistent with the Township's Farmland Preservation Plan.
- To develop an open space and conservation plan for the Township's remaining undeveloped and sensitive environmental areas.

Goal 2: To provide for a diversity of non-residential uses in appropriate locations to provide for a balance of land uses within the Township.

- To promote a diversity of non-residential uses that provide high quality employment, goods and services, and contribute to Branchburg's fiscal health.
- To provide for the development of high quality, large lot, low FAR office/laboratory development of the Rt. 202 corridor.
- To prevent the intrusion of retail and commercial development into areas designated as office/laboratory uses.
- To prevent sprawling commercial and strip commercial development and to avoid the development of 'big box' shopping centers.
- To establish design, architectural, and land- scaping standards for the R/S zones which will to the maximum extent practical, upgrade the appearance of the R/S zones.
- To provide for signage in the township's commercial areas which is adequate to safely serve its purpose without being excessive.
- To encourage the elimination of billboards in areas which are visually prominent.
- To provide for a variety of industrial uses on smaller sites in the township's industrial zones while promoting environmentally sensitive designs.
- To provide for the development and redevelopment of the Rt. 22 and Rt. 202 corridors which creates a sense of place and manages traffic impacts.

Goal 3: To provide for the orderly, compatible infill development of remaining vacant parcels within the township.

- To protect established neighborhoods from intrusive and incompatible development.
- To provide for substantial buffers where different uses or intensities of uses abut one another.

Goal 4: To address Branchburg's affordable housing obligation.

- To provide for a variety of housing types compatible with the size and scale of the surrounding area serving a broad range of needs of Branchburg residents of all ages and income levels.
- To address the affordable housing obligation with the minimum amount of new residential construction.

Goal 5: To identify and protect the Township's historic resources.

- To preserve and protect the visual character of the Township's existing historic neighborhoods: Neshanic Station, the Village of North Branch, South Branch, Burnt Mills, and Centerville.
- To preserve and protect the cultural landscape by recognizing historic structures and districts, and by managing change within the historic villages.
- To identify and document historic structures and districts within the Township.
- To continue to seek listing with State and National Registers of Historic Places for the historic districts of the Township.
- To provide for the regulation of historic sites consistent with state statutes.
- To support the rehabilitation and reuse of historic buildings in a way that is compatible with the historic content.
- To recognize that North Branch is an historic settlement and is located on a secondary arterial road.
- To support measures to improve safety and convenience of the residents of North Branch.
- To provide a green belt or buffer around the villages of North Branch and Neshanic Station within the Industrial zone to prevent adverse impacts upon the hamlets' historic visual character.

Goal 6: To provide and promote access to open space, recreation, and community facilities for the residents of the Township.

- To prevent sprawling developments that consume all of the land by promoting smart growth and conservation-based design approaches.
- To provide for the expansion and safe linkage to private and public open spaces within neighborhoods, along a network of pedestrian and bicycle pathways, stream corridors, and significant natural features.

- To update and adopt a recreation plan element of the master plan.
- To maintain the quality of municipal facilities that contribute to the quality of life for existing and future residents of the Township.

**Goal 7:** To identify and protect the Township’s important natural resources.

- To promote design and other techniques that result in energy and water conservation and minimize the impact of development on the environment.
- To plan for development and redevelopment at densities and intensities that will respect the capacity of the natural and built infrastructure, retain the remaining natural areas of the Township, protect sensitive environmental areas, and encourage high quality designs.
- To recognize the potential for flooding by managing development in flood prone areas.
- To protect and improve the quality of the air and water through increased land and water stewardship and careful environmental management of sensitive areas.

### **2011 Land Use Element Recommendations**

**RS-2 (Retail Service-2) Zone — Revised Design Standards:**

- Design guidelines for the RS-2 zone along US Route 202 need improvement. Landscape design standards for parking lots need to be changed to required better screening with hedging and street trees. Architectural standards requiring upgrades to improve the character of buildings overtime should be developed. Sign standards require upgrading to improve the aesthetics and to create a cohesive sense of community. Lighting standards need to be changed to require full cutoff luminaires and a consistent light standard for the zone district. The standards would apply to all new development in the zone or major site plans for redevelopment. The aim is create a sense of place, identification of Branchburg along the corridor, and a more attractive environment for improved business development.

**Industrial Zones — Alternative Energy Uses:**

- The New Jersey Legislature has recently enacted a suite of new legislation with the goal of facilitating the development of alternative and renewable forms of energy. Specifically, P.L. 2009 c. 35 which was signed into law on March 31, 2009 establishes that renewable energy facilities, those which produce electricity from solar, photovoltaic, and wind energy, shall be a permitted use in every industrial district of a municipality. Conditions of this statutory provision include a requirement that the parcel must be a minimum of 20 contiguous acres and held by one owner.

Conditional Uses in the I-1 Zone:

- Lots existing at the time of implementing ordinances pursuant to adoption of the Land Use Plan measuring less than three (3) acres in area which front on the south side of Route 22 and are included in the proposed PO Zone overlay should be conditionally permitted to be developed for professional office and services uses such as banks, finance, insurance, and real estate, legal services, engineering, surveying, architectural, accounting and public relations, medical and dental offices. Restaurants, excluding drive through and fast-food restaurants, which feature primarily sit down service with limited “take-out” capabilities should be permitted.

PO (Planned Overlay) Zone:

- The Planned Overlay Zone is proposed to be located along the south side US Highway Route 22 from County Line Road to the Intersection with Easton Turnpike, CR 614. This should be accomplished by the interconnection of Meister Avenue.
- Architectural design controls, lighting, signage, and planting standards should be adopted as part of the Planned Overlay Zone.

I-3 (Industrial-3) Zone:

- A new I-3 zoning district should be created to provide for smaller industrial lots which could be utilized for startup and private incubator businesses. The I-3 Zone should not permit extraordinarily hazardous substances.

ALO (Assisted Living Overlay) Zone:

- An overlay zone district which will accommodate assist- ed living and nursing home facilities as well as support medical and laboratory offices is needed and is recommended for Block 7 Lot 1.03, Lot 2, and a portion of Lot 1.01.

LD/C2 (Low Density Cluster-2) Zone:

- In order to create a transition zone between the sensitive environmental areas in the Raritan River corridor in the eastern section of the municipality and the existing residential zone to the north a new Low Density Cluster Zone, LD/C2, should be created. Development of five oversized lots (Block 67, Lots 1,2,3.04 and Block 68.05 Lots 6 &7) totaling approximately 50 acres parcels should be clustered with the required open space set aside positioned near the river corridor to provide access and additional buffering.

RS-1 (Retail Service-1) Zone Expansion:

- In order to decrease the non-conformity of these existing businesses and reduce the requirement for the operators to seek zoning board of adjustment approval for changes in the business use, or for homeowners to convert

residences along the busy highway to commercial uses, it is recommended that the LD zoning along Route 202 for Block 69 Lots 1,2 Block 70 Lots 16 & 17 be changed to RS-1 which permits retail, service and office uses, but does not permit automobile service stations or public garages.

Design Standards:

- It is recommended that design guidelines be developed for the Route 202 and Route 22 corridors which could be implemented through new infill development and redevelopment of older uses.
- The Township Code should be revised to require compliance with the ANSI/ASHRAE/IESNA lighting and power standards. of lighting for streets, pedestrian, and parking areas and should specify full cut off fixtures.
- Design guidelines including landscape design, parking lot screening, street trees, architectural standards, sign and lighting standards, should be developed for the RS-2 zone along US Route 202.
- Design standards in the OL district also need to be up- graded. It is recommended that no parking or loading be visible from any off-site public streets. Adequate buffering between this type of development and adjacent residential uses should be provided. Buffers on the order of 100 feet or more should be provided, given the large minimum lot size.
- Cross access agreements for parking, vehicular, and pedestrian access to increase interconnections between properties and reduce inward and outward movements onto Route 202 in the RS-2 Zone should be required.

Plans and Studies:

- It is recommended that Branchburg Township create a comprehensive Circulation Plan including bicycle, pedestrian, and public transportation components in collaboration with the NJ Department of Transportation and Somerset County to address traffic and circulation in the entire municipality.
- Long term planning for the acquisition and protection of the sensitive environmental areas associated with the river, its floodplain, and associated wetland resources is recommended through the creation of an Environmental Resource Inventory and updated Conservation Plan Element.
- It is recommended that the recreation planning process be reinvigorated by reviewing the current plan and making any necessary revisions to meet with the parameters for an adopted Recreation Plan Element of the Master Plan.

Alternative Energy Generating Permitted by Statute in Industrial Zones:

- The list of permitted uses in the Industrial zones should be amended to include solar, photovoltaic, and wind energy generating facilities as permitted principal and accessory uses pursuant to P.L. 2009 c.35.

A (Agriculture) Zone Deletion:

- The Branchburg Township Land Use Ordinance continues to include the A - Agricultural 3-acre residential zone. This zone was replaced by the R3 and RRC zones in 2006. The Code should be revised to delete the reference to the A zone district.

### **III — Extent to Which Such Problems and Objectives Have Been Reduced or Increased**

Since the adoption of the 2014 Reexamination Report, some problems and objectives have changed substantially, while others have only changed slightly or not changed at all.

As part of this reexamination report, the Planning Board has assessed the goals, objectives, and recommendations, as applicable, of the 2014 Reexamination Report, 2006 Reexamination Report, and 2011 Land Use Element, and has identified the extent to which each has changed in the period since the adoption of the 2014 Reexamination Report.

In the following sub-sections, each of the goals, objectives and recommendation that have been detailed in Chapter 2 of this reexamination report are listed with commentary as to how each has changed in *bold italics* text.

#### **2014 Reexamination Report Recommendations**

1. LD Zones: There are several “LD” zones, each with a basic underlying density of one (1) dwelling unit per acre, but having somewhat different requirements. The LD zones should be examined to determine if a consolidation/simplification of the zone regulations is appropriate. If determined to be appropriate, then the zone district regulations and the zoning map should be amended to reflect the changes.

***This recommendation was partially addressed. The LDRC (Low Density Residential Cluster) Zone District is provided for in the Land Development Ordinance but is not depicted on the zoning map. The zoning map needs to be updated.***

2. MDR Medium Density Residential Zone: The MDR zone is fully developed and the current ordinance is not aligned with the existing conditions. This zone should be reviewed and amended to reflect the nature of the existing development.

***This recommendation was addressed.***

3. Definitions: §1-2.2 should be amended to reflect new definitions required as ordinance revisions/updates are developed.

***This recommendation remains valid.***

4. Affordable Housing Sites: The last Housing Plan Element/Fair Share Plan was adopted in 2010 and was sent to the Council of Affordable Housing (COAH) for a determination of substantive certification. COAH has taken no action on the plan, as the legal challenges to COAH's regulations have persisted. While the status of COAH and affordable housing regulations remains unsettled at this time, it is anticipated that COAH will expedite adoption of new rules after the expiration of their comment response deadline in November 2014. Barring any stays by the Court, the adoption of the new regulations will necessitate the creation and adoption of a new Housing Plan Element/Fair Share Plan. As a new housing plan is in development, the integration of new affordable housing development within the existing context of neighborhoods and districts will become an acute need. In order to create informed policies with respect to the location of affordable housing, it is recommended that an examination of potential sites be undertaken, pursuant to a set of comparative criteria, that reflects broader land use policies in order to ensure thoughtful integration of affordable housing within Branchburg. The land use regulations and zoning designations of sites fulfilling such criteria should be amended accordingly as necessary.

***As a new Housing Element and Fair Share Plan was adopted in 2020 and approved by Superior Court in 2021 with the issuance of a Judgment of Repose and Compliance, this recommendation was addressed.***

5. Governmental Uses and Public Utility Facilities: The definition of "Governmental Uses" should be clarified to exclude "Public Utility" uses.

***This recommendation was addressed with the adoption of Ordinance 2015-1283. We note, however, that Ordinance 2015-1283 has yet to be codified into the main body of the Land Development Ordinance.***

6. Accessory Structures: The nature of accessory structures and buildings should be reviewed to ensure that permitted development of accessory uses and elements is calibrated to ensure that the size, extent, character and location of these elements are synchronized with the district character wherein they are developed.

***This recommendation was addressed with the adoption of Ordinance 2015-1283. We note, however, that Ordinance 2015-1283 has yet to be codified into the main body of the Land Development Ordinance.***

7. Signs: Regulations for permanent and temporary signs, and signs on vehicles, should be reviewed and updated. Particularly, the regulations for permanent

and temporary signs should be revisited to address current trends in sign utilization and violations.

***This recommendation was addressed with the adoption of Ordinance 2015-1283. We note, however, that Ordinance 2015-1283 has yet to be codified into the main body of the Land Development Ordinance.***

8. Wall and Fences: The definition of “fence” should be examined and, if determined to be necessary, amended to provide better clarity. The regulation of walls and fences should be consolidated with the sections addressing accessory structures.

***This objective was addressed with the adoption of Ordinance 2015-1283. We note, however, that Ordinance 2015-1283 has yet to be codified into the main body of the Land Development Ordinance.***

9. Resource Conservation: §5-9 contains standards for “netting out” critical lands from land available for development, but this only applies to residentially zoned land. It is recommended that the concept of reducing development intensity for non-residential uses/districts be evaluated. Should such an approach be determined to be valid, then §5-9 should be amended to provide for calculations to “net out” critical lands for non-residential uses.

***This recommendation was satisfied through alternate zoning mechanisms adopted in 2020.***

10. Floor Area Ratio: Floor area ratio (FAR) is not used broadly within all non-residential zones in order to regulate the intensity of land use/development. It is recommended that the concept of controlling development intensity for non-residential uses/districts with floor area ratio be evaluated. Should such an approach be determined to be valid, then those district regulations should be amended to provide for floor area ratios for non-residential uses.

***This recommendation is no longer applicable.***

## **2006 Reexamination Report Objectives**

1. Preserve the rural character of Branchburg's undeveloped areas recognizing the pressures of suburban development.

***This objective remains valid.***

2. To provide a diversity of non-residential uses in appropriate locations to provide for a balance of land uses within the Township while reducing conflicts with residential uses.

***This objective remains valid.***

3. To provide for the orderly, compatible in-fill development of remaining vacant parcels within the Township with particular attention paid to areas where non-residential development will occur in close proximity to existing residential uses.

***This objective remains valid.***

4. To address Branchburg's affordable housing obligation.

***As the Township adopted the 2020 Housing Element and Fair Share Plan and received a Judgment of Repose and Compliance from Superior Court, this objective is satisfied until July 2025.***

5. To preserve and protect the Township's existing centers of North Branch and Neshanic Station.

***This objective remains valid.***

6. To provide for the open space and community facilities of existing and future residents of the Township.

***This objective remains valid.***

7. To identify and protect the Township's historic and natural resources.

***This objective remains valid.***

8. To provide for the regulation of historic sites consistent with the State statutes.

***This objective remains valid.***

## **2006 Reexamination Report Recommendations**

2. Natural Resources Inventory/Conservation Plan: The 2006 Reexamination Report recommended the development of a comprehensive natural resources inventory, which updates the 1983 Master Plan using GIS

technology and current natural resource data from NJDEP and serves as a basis for comprehensive conservation planning.

The 2014 Reexamination Report noted that: the recommendation to prepare an updated Natural Resources Inventory/Conservation Plan remains relevant; and the Township should undertake a natural resource inventory to serve as a basis for a comprehensive conservation plan, which outlines Branchburg's ambitions for the preservation, conservation and utilization of natural resources.

***This recommendation remains valid.***

4. Age-Restricted Housing: The 2006 Reexamination Report recommended to include a Planned Adult Community (PAC) district within industrial zones in close proximity to residential neighborhoods, which may offer several advantages, including reducing boundary conflicts and serving as transitions between residential neighborhoods and higher intensity uses.

The 2014 Reexamination Report noted that, in 2009, the New Jersey Legislature enacted the Conversion Law in response to a shortage of affordable housing and oversupply of age-restricted, market-rate housing. The Conversion Law permits the conversion of a residential housing project from an age-restricted development to market-rate development under certain circumstances. The 2014 Reexamination Report further noted that, given the downturn in the economy in 2009 and the implementation of the Conversion Law, the Township did not implement zoning for planned adult communities. Instead, the 2011 Land Use Element recommended the Assisted Living Overlay (ALO) Zone, which would accommodate assisted living and nursing home facilities and support medical and laboratory offices for Block 7, lots 1.03, 2 and a portion of 1.01. The proposed location is near Raritan Valley Community College, which provides an opportunity for the efficient placement of health care interns. The Township concluded that based upon demographic trends and in anticipation of the continued need for the "next step" in senior care, a zone district permitting such uses was warranted. In response, the 2014 Reexamination Report recommended to adopt an ordinance and map change to create an ALO Zone.

***While this recommendation was addressed with the Township's adoption of an overlay zone permitting assisted living facilities (viz., ALO [Assisted Living Overlay] Zone District), the overlay zone is situated within the Route 28 corridor, which is the subject of an alternate land use vision. The ALO (Assisted Living Overlay) Zone District may be revised or***

***removed based upon the ultimate land use recommendations for the Route 28 corridor.***

5. North Branch Hamlet Extension: The 2006 Reexamination Report recommended to engage in a visioning process that explores smart growth planning and design alternatives for the Old Route 28 area extending from the North Branch hamlet at the Raritan River to Route 22. The area provides a unique opportunity for pedestrian-friendly mixed-use neighborhoods with an attractive streetscape while reinforcing the historic center.

The 2014 Reexamination Report noted that the Township completed the North Branch Vision Plan in 2009. The Vision Plan was in response to concerns of local officials and residents about increased traffic problems along the highway corridor and the impact of existing development patterns and future growth on the unique character of the area. The Vision Statement, as provided below, was developed after an extensive public outreach process including focus groups, written questionnaires, public meetings, and website programs:

*North Branch hamlet, a key link to the Township's past, has remained a haven from the large scale industrial, institutional, and commercial developments that are just over the hill and down the road. North Branch maintains its quaint historic setting, nestled along the Raritan River as it has been for centuries, and homes here have been maintained to show off their historic character.*

*Since traffic along Easton Turnpike was calmed to respect the pedestrian and neighborhood boundaries, residents again enjoy the pace of life in the Hamlet. The roadway modifications that relieved traffic pressures and slowed the pace of through traffic have made North Branch more livable, and an improved quality of life has reinvigorated the residential lifestyles and values of homes in the hamlet.*

*Residents no longer worry about the livability of North Branch as they once did. The traffic that would have clogged local roads as new development occurred was met with new routes of travel that took traffic away from Old Route 28 toward Route 22. Instead of the large footprint industrial and office buildings that would have been out of scale with the existing historic character of North Branch, revised land use policies brought residential*

*neighborhood expansion that has grown the hamlet (organically and outside the floodplain).*

In response to the issues identified from public outreach efforts and a comprehensive existing conditions analysis, specific recommendations for short-term and long-term improvements were provided. The recommendations included detailed objectives that focused on improving connectivity, protecting the community character, and ensuring sustainability. The objectives ranged from physical improvements to specific land use/zoning revisions.

The 2014 Reexamination Report recommended that the Township should concentrate on implementing the following objectives that were identified in the North Branch Vision Plan with zoning ordinance and design guideline revisions and capital improvement projects:

#### Connectivity

1. Install traffic-calming devices to slow the speed of traffic and deter drive-thru users.
2. Minimize future commuter-generating traffic along the corridor through rezoning.
3. Provide a continuous sidewalk connection throughout the corridor.

#### Community Character

1. Increase the visibility of the North Branch village as a sense of place by using welcome signage, street lighting, tree-lined medians and creating meaningful gateways.
2. Replace incompatible industrial zoning with districts that reflect the existing conditions and resources of the area.

#### Sustainability

1. Protect the historic resources of the village.
2. Partner with regional and state entities on possible long-term solutions to flood management.
3. Protect the river corridor as an environmentally sensitive resource, scenic and recreational area.

***This recommendation remains valid. This reexamination report recommends that the Planning Board study the Route 22/28 corridor in an updated Master Plan Land Use Element Plan with a focus on new land uses that support the goals of this recommendation.***

6. Riverwalk/Bike and Hike Trail: The 2006 Reexamination Report recommended to plan for a bike and hike trail (with the financial aid in the form of a planning grant from Somerset County) spanning the length of the greenway corridor with connections between preserved open spaces and residential neighborhoods.

The 2014 Reexamination Report noted that, in 2009, a Bicycle and Pedestrian Plan was developed. Said plan created a Township-wide bicycle and pedestrian system to be implemented in phases. The 2014 Reexamination Report recommended that the Township should continue the pursuit of funding to implement the plan.

***This recommendation remains valid.***

7. Scenic Resource Management Guidelines: The 2006 Reexamination Report recommended to develop a technique to identify and categorize scenic resources and create management strategies to prevent new development from degrading the scenic character of Branchburg.

The 2006 Reexamination Report emphasized the need to protect attractive natural landscapes including floodplains, wooded stream valleys and expansive agricultural grasslands. The 2014 Reexamination Report noted the identification and categorization of the Township's scenic resources remains a valid goal and recommended that the Township should develop mapping and ordinances to ensure scenic resources are protected from new development.

***This recommendation remains valid.***

8. Route 22 Vision Plan: The 2006 Reexamination Report recommended to engage in a vision process for the Route 22 Corridor situated in the Township with a focus on the existing vacant and underutilized land, which is located in a highly desirable regional location where the existing zoning that mainly permits industrial growth may not be the highest and best use or a good fit for Branchburg residents. The 2006 Reexamination Report noted that the Township recognizes the opportunity the area presents for smarter growth strategies that depart from the single use industrial development currently zoned along Route 22.

The 2014 Reexamination Report noted that, during the update of the Land Use Element in 2011, the Planning Board organized a series of public visioning sessions and focus group meetings to review the Route 22 Corridor. Concerned residents and business owners identified traffic calming and

current industrial-based zoning as factors that require attention within the corridor. In response, the Planning Board proposed an overlay district that will expand the uses in the corridor to include small scale industrial and well-planned developments for limited retail, service, office and restaurant uses. The Planned Overlay (PO) Zone was proposed to be located on the south side of Route 22 from County Line Road to Easton Turnpike (CR 614). This area was noted in the 2014 Reexamination Report to contain the largest swaths of vacant and underutilized land in the Route 22 Corridor area. In response, it was recommended in the 2014 Reexamination Report to adopt an ordinance and map change to create a PO Zone.

***This recommendation remains valid. This reexamination report recommends that the Planning Board study the Route 22/28 corridor in an updated Master Plan Land Use Element Plan with a focus on new land uses that support the goals of this recommendation.***

9. Historic and Cultural Resources: The 2006 Reexamination Report recommended to update and refine the inventory of the Township's historic resources and highlight the Centerville, Burnt Mills, North Branch and Neshanic Station Historic Districts using GIS mapping and a searchable database. The 2006 Reexamination Report further recommended to develop an initiative to promote public awareness of the Township's historic sites and districts.

The 2014 Reexamination Report noted that the goal of providing a thorough inventory of the Township's historic resources remains relevant, and that the Township should use current technology and data to document pertinent historic information that will enable the identification of strategies to prevent demolitions of historic structures or the insensitive infill in historic districts.

***This recommendation remains valid.***

10. Ordinance Recommendations: The 2006 Reexamination Report recommended to prepare the following ordinance revisions, which were found to not have been addressed at the time of the 2014 Reexamination Report:

- c. Parking: Reexamine parking standards related to shopping centers and other commercial uses to ensure adequate parking is provided while considering the need to reduce unnecessary impervious areas.

***This recommendation remains valid.***

- f. Midland School: The Midland School, located within the CF (Community Facilities) Zone, sought and received use variance approval for an adult special needs residential development. Consider rezoning the Midland School property to permit an adult residential project proposed by Midland Adult Services (MAS) which would provide housing for people with disabilities. The Midland School has not, as of this point, pursued such development. At such time as the Midland School considers proceeding with this project, or should the Township consider such development in the best interests of the Township, a revision to the zoning district and requirements should be considered.

***The Midland School is no longer considering a residential project for this site. This recommendation is not applicable.***

- g. Minimum Lot Area for Unsewered Lots in the LD Zone: Based on any revisions to Branchburg's chapter of the Somerset County Wastewater Management Plan with respect to the unsewered areas, the Township should consider adjustment of the minimum lot size requirements to meet the recommended septic disposal bed densities in order to protect groundwater resources.

***This recommendation was not addressed and remains valid as there a handful of lots left unsewered within the Sewer Service Area.***

- h. Floor Area Ratio and Lot Coverage for Non-Residential Zones: Consider utilizing Floor Area Ratio requirements for non-residential development to ensure projects are properly scaled to the usable land area.

***This recommendation remains valid.***

- i. Zoning Map: Update the Zoning Map to reflect the changes from the map entitled "Proposed Changes to the Land Use Plan and Zoning Map" after the adoption of the revised land use plan. Additional revisions to the Zone Map are required in response to the noted action items found in this section of the Reexamination Report.

***Other than this reexamination report's recommendation to update the zoning map to include the LDRC (Low Density Residential Cluster) Zone District, this recommendation was addressed.***

- j. Historic and Cultural Resource Management: Adopt new minimum lot size requirements for the Hamlet and Village Districts to ensure infill

development does not damage the existing historic character and fabric. Update the purpose section for the North Branch Hamlet District and the Neshanic Station Village Residential District.

***This recommendation was addressed.***

## **2011 Land Use Element Goals and Objectives**

Goal 1: Preserve the rural character of Branchburg's undeveloped areas.

- To encourage development which preserves the rural and agricultural character of Branchburg.
- To conserve community character by carefully managing the scale and intensity of new development and retaining farmland and open space.
- To protect the township's scenic vistas and conserve the character of the remaining rural countryside and the historic hamlets that give Branchburg its unique identity.
- To preserve farmland and open space in a way which is consistent with the Township's Farmland Preservation Plan.
- To develop an open space and conservation plan for the Township's remaining undeveloped and sensitive environmental areas.

***This goal and supporting objectives remain valid.***

Goal 2: To provide for a diversity of non-residential uses in appropriate locations to provide for a balance of land uses within the Township.

- To promote a diversity of non-residential uses that provide high quality employment, goods and services, and contribute to Branchburg's fiscal health.
- To provide for the development of high quality, large lot, low FAR office/laboratory development of the Rt. 202 corridor.
- To prevent the intrusion of retail and commercial development into areas designated as office/laboratory uses.
- To prevent sprawling commercial and strip commercial development and to avoid the development of 'big box' shopping centers.
- To establish design, architectural, and land-scaping standards for the R/S zones which will to the maximum extent practical, upgrade the appearance of the R/S zones.
- To provide for signage in the township's commercial areas which is adequate to safely serve its purpose without being excessive.
- To encourage the elimination of billboards in areas which are visually prominent.
- To provide for a variety of industrial uses on smaller sites in the township's industrial zones while promoting environmentally sensitive designs.

- To provide for the development and redevelopment of the Rt. 22 and Rt. 202 corridors which creates a sense of place and manages traffic impacts.

***This goal and supporting objectives remain valid.***

Goal 3: To provide for the orderly, compatible infill development of remaining vacant parcels within the township.

- To protect established neighborhoods from intrusive and incompatible development.
- To provide for substantial buffers where different uses or intensities of uses abut one another.

***This goal and supporting objectives remain valid.***

Goal 4: To address Branchburg's affordable housing obligation.

- To provide for a variety of housing types compatible with the size and scale of the surrounding area serving a broad range of needs of Branchburg residents of all ages and income levels.
- To address the affordable housing obligation with the minimum amount of new residential construction.

***With the adoption of the 2020 Housing Element and Fair Share Plan, which received a Judgment of Repose and Compliance from the Superior Court, this goal and associated objectives are addressed until July 2025.***

Goal 5: To identify and protect the Township's historic resources.

- To preserve and protect the visual character of the Township's existing historic neighborhoods: Neshanic Station, the Village of North Branch, South Branch, Burnt Mills, and Centerville.
- To preserve and protect the cultural landscape by recognizing historic structures and districts, and by managing change within the historic villages.
- To identify and document historic structures and districts within the Township.
- To continue to seek listing with State and National Registers of Historic Places for the historic districts of the Township.
- To provide for the regulation of historic sites consistent with state statutes.
- To support the rehabilitation and reuse of historic buildings in a way that is compatible with the historic content.
- To recognize that North Branch is an historic settlement and is located on a secondary arterial road.
- To support measures to improve safety and convenience of the residents of North Branch.

- To provide a green belt or buffer around the villages of North Branch and Neshanic Station within the Industrial zone to prevent adverse impacts upon the hamlets' historic visual character.

***This goal and supporting objectives remain valid.***

**Goal 6:** To provide and promote access to open space, recreation, and community facilities for the residents of the Township.

- To prevent sprawling developments that consume all of the land by promoting smart growth and conservation-based design approaches.
- To provide for the expansion and safe linkage to private and public open spaces within neighborhoods, along a network of pedestrian and bicycle pathways, stream corridors, and significant natural features.
- To update and adopt a recreation plan element of the master plan.
- To maintain the quality of municipal facilities that contribute to the quality of life for existing and future residents of the Township.

***This goal and supporting objectives remain valid.***

**Goal 7:** To identify and protect the Township's important natural resources.

- To promote design and other techniques that result in energy and water conservation and minimize the impact of development on the environment.
- To plan for development and redevelopment at densities and intensities that will respect the capacity of the natural and built infrastructure, retain the remaining natural areas of the Township, protect sensitive environmental areas, and encourage high quality designs.
- To recognize the potential for flooding by managing development in flood prone areas.
- To protect and improve the quality of the air and water through increased land and water stewardship and careful environmental management of sensitive areas.

***This goal and supporting objectives remain valid.***

## **2011 Land Use Element Recommendations**

**RS-2 (Retail Service-2) Zone — Revised Design Standards:**

- Design guidelines for the RS-2 zone along US Route 202 need improvement. Landscape design standards for parking lots need to be changed to required better screening with hedging and street trees. Architectural standards requiring upgrades to improve the character of buildings overtime should be developed. Sign standards require upgrading to improve the aesthetics and to create a cohesive sense of community. Lighting standards need to be changed to require full cutoff luminaires and a consistent light standard for

the zone district. The standards would apply to all new development in the zone or major site plans for redevelopment. The aim is create a sense of place, identification of Branchburg along the corridor, and a more attractive environment for improved business development.

- ***While this recommendation was partially addressed, there is a desire to simplify the design standards. Accordingly, this reexamination report recommends to simplify the design standards of the RS-2 (Retail Service-2) Zone District.***

Industrial Zones — Alternative Energy Uses:

- The New Jersey Legislature has recently enacted a suite of new legislation with the goal of facilitating the development of alternative and renewable forms of energy. Specifically, P.L. 2009 c. 35 which was signed into law on March 31, 2009 establishes that renewable energy facilities, those which produce electricity from solar, photovoltaic, and wind energy, shall be a permitted use in every industrial district of a municipality. Conditions of this statutory provision include a requirement that the parcel must be a minimum of 20 contiguous acres and held by one owner.

***The Township continues to support alternative and renewable forms of energy.***

Conditional Uses in the I-1 Zone:

- Lots existing at the time of implementing ordinances pursuant to adoption of the Land Use Plan measuring less than three (3) acres in area which front on the south side of Route 22 and are included in the proposed PO Zone overlay should be conditionally permitted to be developed for professional office and services uses such as banks, finance, insurance, and real estate, legal services, engineering, surveying, architectural, accounting and public relations, medical and dental offices. Restaurants, excluding drive through and fast-food restaurants, which feature primarily sit down service with limited “take-out” capabilities should be permitted.

***This recommendation was addressed.***

PO (Planned Overlay) Zone:

- The Planned Overlay Zone is proposed to be located along the south side US Highway Route 22 from County Line Road to the Intersection with Easton Turnpike, CR 614. This should be accomplished by the interconnection of Meister Avenue.

***This recommendation was addressed.***

- Architectural design controls, lighting, signage, and planting standards should be adopted as part of the Planned Overlay Zone.

***This recommendation was addressed.***

I-3 (Industrial-3) Zone:

- A new I-3 zoning district should be created to provide for smaller industrial lots which could be utilized for startup and private incubator businesses. The I-3 Zone should not permit extraordinarily hazardous substances.

***This recommendation was addressed.***

ALO (Assisted Living Overlay) Zone:

- An overlay zone district which will accommodate assist- ed living and nursing home facilities as well as support medical and laboratory offices is needed and is recommended for Block 7 Lot 1.03, Lot 2, and a portion of Lot 1.01.

***This recommendation was addressed.***

LD/C2 (Low Density Cluster-2) Zone:

- In order to create a transition zone between the sensitive environmental areas in the Raritan River corridor in the eastern section of the municipality and the existing residential zone to the north a new Low Density Cluster Zone, LD/C2, should be created. Development of five oversized lots (Block 67, Lots 1,2,3.04 and Block 68.05 Lots 6 &7) totaling approximately 50 acres parcels should be clustered with the required open space set aside positioned near the river corridor to provide access and additional buffering.

***This recommendation was addressed.***

RS-1 (Retail Service-1) Zone Expansion:

- In order to decrease the non-conformity of these existing businesses and reduce the requirement for the operators to seek zoning board of adjustment approval for changes in the business use, or for homeowners to convert residences along the busy highway to commercial uses, it is recommended that the LD zoning along Route 202 for Block 69 Lots 1,2 Block 70 Lots 16 & 17 be changed to RS-1 which permits retail, service and office uses, but does not permit automobile service stations or public garages.

***This recommendation was addressed.***

Design Standards:

- It is recommended that design guidelines be developed for the Route 202 and Route 22 corridors which could be implemented through new infill development and redevelopment of older uses.

***This recommendation remains valid.***

- The Township Code should be revised to require compliance with the ANSI/ASHRAE/IESNA lighting and power standards. of lighting for streets, pedestrian, and parking areas and should specify full cut off fixtures.

***This recommendation remains valid.***

- Design guidelines including landscape design, parking lot screening, street trees, architectural standards, sign and lighting standards, should be developed for the RS-2 zone along US Route 202.

***This recommendation was addressed.***

- Design standards in the OL district also need to be up-graded. It is recommended that no parking or loading be visible from any off-site public streets. Adequate buffering between this type of development and adjacent residential uses should be provided. Buffers on the order of 100 feet or more should be provided, given the large minimum lot size.

***This recommendation remains valid. This reexamination report recommends that the buffering and limit of disturbance ordinance adopted for the industrial zone districts (i.e., I-1, I-2, and I-3) be applied to the OL (Office/Laboratory) Zone District as the method to address this recommendation of the 2011 Land Use Element.***

- Cross access agreements for parking, vehicular, and pedestrian access to increase interconnections between properties and reduce inward and outward movements onto Route 202 in the RS-2 Zone should be required.

***This recommendation remains valid.***

Plans and Studies:

- It is recommended that Branchburg Township create a comprehensive Circulation Plan including bicycle, pedestrian, and public transportation components in collaboration with the NJ Department of Transportation and Somerset County to address traffic and circulation in the entire municipality.

***This recommendation remains valid.***

- Long term planning for the acquisition and protection of the sensitive environmental areas associated with the river, its floodplain, and associated wetland resources is recommended through the creation of an Environmental Resource Inventory and updated Conservation Plan Element.

***This recommendation remains valid.***

- It is recommended that the recreation planning process be reinvigorated by reviewing the current plan and making any necessary revisions to meet with the parameters for an adopted Recreation Plan Element of the Master Plan.

***This recommendation has been addressed.***

Alternative Energy Generating Permitted by Statute in Industrial Zones:

- The list of permitted uses in the Industrial zones should be amended to include solar, photovoltaic, and wind energy generating facilities as permitted principal and accessory uses pursuant to P.L. 2009 c.35.

***This recommendation remains valid.***

A (Agriculture) Zone Deletion:

- The Branchburg Township Land Use Ordinance continues to include the A - Agricultural 3-acre residential zone. This zone was replaced by the R3 and RRC zones in 2006. The Code should be revised to delete the reference to the A zone district.

***This recommendation has been satisfied.***

## **IV — Extent to Which There Have Been Significant Changes in the Assumptions, Policies, and Objectives**

The following subsections outline the extent to which there have been significant changes in the assumptions, policies, and objectives related to land development in Branchburg Township since the adoption of the 2014 Reexamination Report.

### **Changes at the Local Level**

The following review of changes at the local level, including: changes in demographic and housing characteristics, as well as local employment dynamics; recent zoning board activity; local climate data; and recent planning activities, including the preparation of the 2020 Housing Element and Fair Share Plan and visioning for the Route 22/28 Corridor.

#### **Changes in Demographic and Housing Characteristics**

At the time of the 2010 Census, Branchburg Township had a population of 14,459 residents. In the years since, the Township’s population has grown. This is demonstrated by the 2020 Census, which recorded a total population of 14,940 residents. This represents an increase of 481 residents or about 3.3 percent over the 2010 Census population of 14,459 residents.

Looking further back, it is found that the Township’s population grew by approximately 33.8 percent between the times of 1990 and 2000 censuses but shrank by 0.7 percent between the 2000 and 2010 censuses. Overall, however, Branchburg’s population grew by approximately 37.2 percent in the period between the 1990 and 2020 censuses.

Recent population trends are shown in Table 1.

**Table 1: Recent Population Trends**

| 1990   | 2000   | 2010   | 2020   |
|--------|--------|--------|--------|
| 10,888 | 14,566 | 14,459 | 14,940 |

Source: United States Census Bureau

According to information from the United States Census Bureau, key demographic indicators have changed in the period since the 2010 Census. Indeed, as reflected between the 2010 Census and 2020 Five-Year Estimates of the American Community Survey, the median age has increased by approximately 4.8 years or 11.3 percent from 42.3 to 47.1 and, consistent with an aging population, average household size has decreased by 0.07 members or approximately 2.6 percent from 2.74 to 2.67. In addition, the number of households has increased by approximately 381 or 7.2 percent between the 2010 and 2020 censuses. The changes in these indicators are presented in Table 2.

**Table 2: Recent Population Trends**

| Number of Households |       | Average Household Size |       | Median Age |       |
|----------------------|-------|------------------------|-------|------------|-------|
| 2010                 | 2020  | 2010                   | 2020* | 2010       | 2020* |
| 5,279                | 5,660 | 2.74                   | 2.67  | 42.3       | 47.1  |

Source: US Census Bureau

\* Values are Five-Year American Community Survey Program estimates of average conditions in the period from 2015 through 2019. Values from 2020 were unavailable as of the preparation of this reexamination report.

With regard to age structure, it is noted that the following age cohorts saw increases in the period since the 2010 US Census: Under 5 Years; 15 to 19 Years; 20 to 24 Years; 50 to 54 Years; 55 to 59 Years; 60 to 64 Years; and 65 Years and Over. Conversely, the following age cohorts saw reductions in population: 5 to 9 Years; 10 to 14 Years; 25 to 29 Years; 30 to 34 Years; 35 to 39 Years; 40 to 44 Years; and 45 to 49 Years. Population age structure is reported in Table 3.

**Table 3: Population Age Structure**

|                       | 2010          |              | 2020*         |              | Change     |            |
|-----------------------|---------------|--------------|---------------|--------------|------------|------------|
|                       | Number        | Percent      | Number        | Percent      | Number     | Percent    |
| <b>Under 5 years</b>  | 842           | 5.8          | 926           | 6.4          | 84         | 10.0       |
| <b>5 to 9 years</b>   | 1,026         | 7.1          | 713           | 4.9          | -313       | -30.5      |
| <b>10 to 14 years</b> | 1,175         | 8.1          | 876           | 6.1          | -299       | -25.4      |
| <b>15 to 19 years</b> | 973           | 6.7          | 1,289         | 8.9          | 316        | 32.5       |
| <b>20 to 24 years</b> | 514           | 3.6          | 819           | 5.7          | 305        | 59.3       |
| <b>25 to 29 years</b> | 578           | 4.0          | 561           | 3.9          | -17        | -2.9       |
| <b>30 to 34 years</b> | 691           | 4.8          | 569           | 3.9          | -122       | -17.7      |
| <b>35 to 39 years</b> | 904           | 6.3          | 811           | 5.6          | -93        | -10.3      |
| <b>40 to 44 years</b> | 1,262         | 8.7          | 587           | 4.1          | -675       | -53.5      |
| <b>45 to 49 years</b> | 1,530         | 10.6         | 1,043         | 7.2          | -487       | -31.8      |
| <b>50 to 54 years</b> | 1,460         | 10.1         | 1,796         | 12.4         | 336        | 23.0       |
| <b>55 to 59 years</b> | 1,029         | 7.1          | 1,337         | 9.2          | 308        | 29.9       |
| <b>60 to 64 years</b> | 878           | 6.1          | 1,364         | 9.4          | 486        | 55.4       |
| <b>65 and Over</b>    | 1,597         | 11.0         | 2,249         | 15.6         | 652        | 40.8       |
| <b>Total</b>          | <b>14,459</b> | <b>100.0</b> | <b>14,940</b> | <b>100.0</b> | <b>481</b> | <b>3.3</b> |

Source: US Census Bureau

\* 2020 values reflect total population indicated by 2020 United States Census, as distributed among age cohorts reflected in Five-Year American Community Survey Program estimates of average conditions in the period from 2016 through 2020. Values showing age distribution indicated by 2020 United States Census were unavailable as of the preparation of this reexamination report.

The number of households and average household size has been discussed above. With further regard to housing characteristics, it is noted that the total number of housing units in Branchburg Township increased from 5,419 to 5,843, or by approximately 7.8 percent, between the time of the 2010 and 2020 censuses. During the same time period, the vacancy rate increased from 2.7 percent to 3.1 percent.

In addition to the above, it is noted that housing tenure has been relatively stable in the period between the 2010 and 2020 censuses. Indeed, at the time of the 2010 Census, owner-occupied housing units accounted for 88.9 percent of all housing units and, by the time of the 2020 Census, they accounted for 90.4 percent. This represents a change of just 0.5 percent. Reciprocally, the percentage of renter-occupied housing units decreased by 1.5 percent, from 11.1 percent at the time of the 2010 Census to 9.6 percent by the time of the 2020 Census.

Table 4 summarizes change in housing occupancy and tenure between the time of the 2010 and 2020 censuses.

**Table 4: Housing Occupancy and Tenure**

|                         | 2010  | 2020   | Change |         |
|-------------------------|-------|--------|--------|---------|
|                         |       |        | Number | Percent |
| <b>Occupancy Status</b> |       |        |        |         |
| Total Housing Units     | 5,419 | 5,843  | 424    | 7.8     |
| Occupied Housing Units  | 5,271 | 5,660  | 389    | 7.4     |
| Vacant Housing Units    | 148   | 183    | 35     | 23.6    |
| Vacancy Rate            | 2.7   | 3.1    | —      | —       |
| <b>Tenure</b>           |       |        |        |         |
| Occupied Housing Units  | 5,271 | 5,660  | 389    | 7.4     |
| Owner-Occupied          | 4,688 | 5,117* | 429    | 9.2     |
| Renter-Occupied         | 583   | 543*   | -40    | -6.9    |
| Percent Owner-Occupied  | 88.9  | 90.4*  | —      | —       |
| Percent Renter-Occupied | 11.1  | 9.6*   | —      | —       |

Source: US Census Bureau

\* 2020 values reflect total occupied housing units indicated by 2020 United States Census, as distributed among owner- and renter-occupied housing units reflected in Five-Year American Community Survey Program estimates of average conditions in the period from 2016 through 2020. Values showing housing tenure indicated by 2020 United States Census were unavailable as of the preparation of this reexamination report.

With an eye to the future, it is noted that, according to projections of the North Jersey Transportation Planning Authority (NJTPA), Branchburg will have a total population of 15,831 residents in 2050, which is about a 6.0 percent increase over the 2020 Census figure of 14,940 residents. Similarly, the NJTPA projects that there will be 5,998 households in 2050, which is also a 6.0 percent increase over the 2020 Census figure of 5,660 households.

**Changes in Local Employment Dynamics**

With regard to the number of jobs located within Branchburg Township, it is noted that the New Jersey Department of Labor and Workforce Development reports that there was an average of 10,982 jobs in Branchburg Township during 2020 (n.b., 2020 is the last year for which this information is available). This represents an increase of 20.2 percent over the average of 9,133 jobs that were located in

Branchburg Township during 2010. Looking to the future, it is noted that the NJTPA projects 10,821 jobs in 2050, which represents a slight decrease of 1.5 percent over the 2020 average of 10,982 jobs.

Table 5 summarizes historic and projected changes in the total number of jobs in Branchburg Township.

**Table 5: Jobs Located in Branchburg Township**

| 2010  | 2020   | 2050   |
|-------|--------|--------|
| 9,133 | 10,982 | 10,821 |

Source: New Jersey Department of Labor and Workforce Development (2010, 2021);  
North Jersey Transportation Planning Authority (2050 [Projected])

With regard to the type of jobs held by Branchburg Township residents, it is noted that the most common industry of employment of the civilian employed population aged 16 years and over was “educational services, and health care and social assistance,” which accounted for 18.6 percent of all employment at the time of the American Community Survey’s 2020 Five-Year Estimates. “Professional, scientific, management and administrative and waste management services” accounted for 17.1 percent of all employment, and “manufacturing” and “finance and insurance, and real estate and rental and leasing” accounted for 14.9 and 13.4 percent of all employment, respectively. Together, these industry classifications accounted for nearly two-thirds of employment by Branchburg Township residents.

Table 6 describes industry by employment of Branchburg Township residents at the time of the 2020 Five-Year Estimates of the American Community Survey.

**Table 6: Industry of Occupation of Civilian Employed Population 16 Years and Over**

| Industry  | 2020*<br>Employment |
|---|---------------------|
| Agriculture, Forestry, Fishing and Hunting, Mining                              | 25                  |
| Construction  | 320                 |
| Manufacturing   | 784                 |
| Wholesale Trade   | 236                 |
| Retail Trade  | 233                 |
| Transportation, Warehousing and Utilities                                       | 172                 |
| Information   | 326                 |
| Finance and Insurance, and Real Estate and Rental and Leasing                   | 706                 |
| Professional, Scientific and Mgmt., and Administrative and Waste Mgmt. Services | 898                 |
| Educational Services, and Health Care and Social Assistance                     | 979                 |
| Arts, Entertainment, and Recreation, and Accommodation and Food Services        | 246                 |
| Other Services, Except Public Administration                                    | 28                  |
| Public Administration   | 305                 |

Source: US Census Bureau

\* Values are 2020 Five-Year American Community Survey Program estimates of average conditions in the period from 2016 through 2020. Values from the 2020 Census were unavailable as of the preparation of this reexamination report.

**Zoning Board Annual Reports**

Annual reports of the Branchburg Township Zoning Board were obtained for 2016, 2017, 2018, 2020, and 2021 (n.b., an annual report for 2019 was unavailable). In total, these reports indicate that the Zoning Board acted on 53 applications, of which: 45 were approved; two (2) were denied; six (6) were carried to the next year; and three (3) were dismissed or withdrawn by the applicant. Table 7 summarizes the Zoning Board annual reports.

**Table 7: Summary of Zoning Board Annual Reports**

| Year         | Number of Applications |           |          |                      |                     |
|--------------|------------------------|-----------|----------|----------------------|---------------------|
|              | Total                  | Approved  | Denied   | Carried to Next Year | Dismissed/Withdrawn |
| 2016         | 5                      | 4         | 0        | 1                    | 0                   |
| 2017         | 9                      | 8         | 0        | 0                    | 1                   |
| 2018         | 11                     | 10        | 0        | 1                    | 0                   |
| 2020         | 20                     | 16        | 2        | 3                    | 2                   |
| 2021         | 8                      | 7         | 0        | 1                    | 0                   |
| <b>Total</b> | <b>53</b>              | <b>45</b> | <b>2</b> | <b>6</b>             | <b>3</b>            |

Note: "Number of Applications" represents applications that were acted on in the indicated year, not the year the application was filed.

Note: The Zoning Board's annual reports do not provide sufficient information to summarize variances approved.

**2020 Housing Element and Fair Share Plan**

In 2020, the Planning Board adopted a Housing Element and Fair Share Plan, which superseded all previously adopted housing elements. The 2020 Housing Element and Fair Share Plan was prepared pursuant to a 2019 Settlement Agreement between Branchburg Township and the Fair Share Housing Center that set forth the Township's affordable housing obligation and a preliminary plan for how it would be satisfied. The Fair Share Housing Center is an interested party in the Township's Declaratory Judgement filed in Superior Court on July 1, 2015, as permitted by the March 10, 2015 NJ Supreme Court decision known as "Mount Laurel IV" (n.b., information on "Mount Laurel IV" is provided elsewhere within this reexamination report).

As detailed in the 2020 Housing Element and Fair Share Plan, Branchburg's affordable housing obligation is as follows:

- Rehabilitation Obligation: 12 Units
  - The rehabilitation obligation can be defined as an estimate of the number of deteriorated housing units existing in Branchburg Township occupied by low- and moderate-income households.

- **Prior Round Obligation: 302 Units**
  - The Prior Round obligation can be defined as the cumulative 1987 through 1999 new construction affordable housing obligation.
  
- **Third Round Obligation: 1,000 Units**
  - The Third-Round obligation can be defined as the cumulative 1999 through 2025 new construction affordable housing obligation. This includes the “gap present need” from 1999 through 2015 and the “prospective need” from 2015 through 2025.

***Satisfaction of Affordable Housing Obligation***

As provided in the 2020 Housing Element and Fair Share Plan, the Township fully satisfies the rehabilitation obligation through an existing owner-occupied housing program that is managed by the Township. In addition, the Township will participate in the Somerset County Housing Rehabilitation Program to address the rehabilitation obligation.

The Township has addressed its 302-unit Prior Round obligation with RCA credits, completed family and senior rental units, completed family for-sale units, completed alternate living arrangement units and future supportive and special needs bedrooms.

As detailed in this Plan and summarized below, the Township will utilize a variety of sites and housing types to meet the Third-Round obligation, as follows:

- **Prior Round Credit Surplus: 14 credits from Cedar Brook**
- **Supportive and Special Needs Bedrooms: 50 credits**
- **Extension of Controls: 40 credits**
- **100-Percent/Municipally Sponsored Projects: 299 credits**
- **Inclusionary projects: 347 credits**
- **Rental Bonuses: 250 credits**

***Judgement of Compliance and Repose***

As previously noted, the Township filed a Declaratory Judgement in Superior Court on July 1, 2015. Based on the merits of the 2020 Housing Element and Fair Share Plan, and the Township’s implementing ordinances, the Township was granted a Judgement of Compliance and Repose on March 14, 2022.

***Protection Resulting from 2020 Housing Element and Fair Share Plan***

With the adoption of the 2020 Housing Element and Fair Share Plan and the complete implementation of the fair share compliance mechanisms described therein, the Township will be protected from builder’s remedy litigation through July 2025.

### **Route 22/28 Corridor Visioning**

The redevelopment and revitalization of the Route 22/28 Corridor has been a key focus of Branchburg Township for several years. As the Township is addressing their affordable housing fair share obligation with inclusionary housing and municipally sponsored affordable housing development on parcels along the Route 22/28 Corridor, as well as coping with the impacts of major storm events and experiencing development pressure for warehouse and distribution centers, the impetus for change along the Route 22/28 Corridor is real and immediate.

Recognizing the need to provide zoning that compliments the existing and future development and land uses along the Route 22/28 Corridor, the Planning Board reviewed existing land uses during 2021 and 2022 and found that the overall area is ripe for revitalization.

In addition to the above, the Planning Board conducted several community outreach sessions in 2022 to develop a future land use vision for the Route 22/28 Corridor. This future land use vision: supports alternate land uses based upon an overall vision of providing a new, mixed-use town center along NJ Route 28 that includes residential, commercial, and recreational land uses; and positions US Route 22 to support present and future residential populations by creating opportunities for upgraded amenities, restaurant, and retail services. The future land use vision also recognizes the need to provide uses that would support educational and training programs at Raritan Valley Community College.

Based on the results of the Planning Board's review of existing land uses and the future land use vision that was developed with the benefit of community outreach as described above, this reexamination report presents a recommended land use vision for the Route 22/28 Corridor.

### **Local Climate**

In 2021, AdaptWest, which is a project funded by the Wilburforce Foundation to develop information resources for climate adaptation planning, published data on climate norms and projections. This data covers the entirety of North America at a high-resolution and provides insight to climate norms and projections in Branchburg Township. The information of AdaptWest, which was accessible at <https://adaptwest.databasin.org> upon the preparation of this reexamination report, is a valuable resource to municipalities and may be useful in addressing new requirements of the M.L.U.L. to prepare Climate Change-Related Hazard Vulnerability Assessment, which are discussed later in this reexamination report.

Among the information provided by AdaptWest is information on normal and projected temperature and precipitation, both of which are important to consider within the context of climate change. Branchburg's temperature and precipitation characteristics are reviewed in the following subsections.

**Temperature**

According to AdaptWest’s data, the mean annual temperature of Branchburg Township was approximately 11.56°C/52.81°F in the period from 1991 through 2020. The range of mean temperatures in said period is represented by: the mean temperature of the coldest month, which was -0.92°C/30.35°F; and the mean temperature of the warmest month, which was 23.99°C/75.18°F.

In the period from 2081 through 2100, however, the mean annual temperature of Branchburg Township is modeled to be approximately 17.03°C/62.65°F, and the mean annual temperatures of the coldest and warmest months is projected to be 4.35°C/39.84°F and 29.59°C/85.26°F, respectively. The basis for these projections is an ensemble mean of 13 Coupled Model Intercomparison Project Phase 6 (CMIP6) Atmosphere-Ocean General Circulation Model (AOGCMs). CMIP6 is overseen by the Working Group on Coupled Modeling (WGCM), which is a program of the World Climate Research Program (WCRP), which is affiliated with the World Meteorological Organization, United Nations Educational, Scientific and Cultural Organization (UNESCO), and the International Science Council.

Normal and projected mean annual, mean coldest month, and mean warmest month temperatures are summarized in Table 8.

**Table 8: Normal and Projected Temperatures**

|                                       | Normal<br>(1991–2020) |       | Projected<br>(2081-2100) |       | Projected<br>Increase |       |
|---------------------------------------|-----------------------|-------|--------------------------|-------|-----------------------|-------|
|                                       | °C                    | °F    | °C                       | °F    | °C                    | °F    |
| <b>Mean Annual Temperature</b>        | 11.56                 | 52.81 | 17.03                    | 62.65 | 5.47                  | 9.84  |
| <b>Mean Coldest Month Temperature</b> | -0.92                 | 30.35 | 4.35                     | 39.84 | 5.27                  | 9.49  |
| <b>Mean Warmest Month Temperature</b> | 23.99                 | 75.18 | 29.59                    | 85.26 | 5.60                  | 10.08 |

Source: AdaptWest

As shown in Table 8, the mean annual temperature in Branchburg Township is projected to increase by approximately 5.47°C/9.84°F in the period through 2081 through 2100, with the mean temperature of the coldest month projected to increase by 5.27°C/9.49°F and the mean temperature of the warmest month projected to increase by 5.60°C/10.08°F. Potential consequences of increased temperatures may include, but are not limited to: increased mortality and morbidity (e.g., as a result of heat-related illness); increased energy consumption; increased air pollution; increased wildlife extinction rates; increased acidity of oceans; decreased food security; and sea level rise. These are important considerations in preparing a Climate Change-Related Hazard Vulnerability Assessment as described later in this reexamination report.

**Precipitation**

According to AdaptWest’s data, Branchburg Township received a mean of approximately 1,284.0 millimeters/50.55 inches of precipitation annually during the period from 1991 through 2020. Thereof, a total of about 598.28 millimeters/23.55 inches was received from May through September.

In the period from 2081 through 2100, however, the amounts of precipitation received in Branchburg Township are projected to change. Indeed, the projected mean annual precipitation of said period is 1,358.8 millimeters/53.50 inches, of which a mean of 601.3 millimeters/23.67 inches is projected to be received from May through September. As with the foregoing precipitation data, the basis for these projections is an ensemble mean of 13 Coupled Model Intercomparison Project Phase 6 (CMIP6) Atmosphere-Ocean General Circulation Model (AOGCMs).

Normal and projected precipitation statistics are summarized in Table 9.

**Table 9: Normal and Projected Precipitation**

|   | Normal<br>(1991–2020) |       | Projected<br>(2081–2100) |       | Projected<br>Increase |      |
|---|-----------------------|-------|--------------------------|-------|-----------------------|------|
|   | mm                    | in    | mm                       | in    | mm                    | in   |
| <b>Mean Annual Precipitation</b>        | 1,284.0               | 50.55 | 1,358.8                  | 53.50 | 74.80                 | 2.95 |
| <b>Mean May-September Precipitation</b> | 598.28                | 23.55 | 601.3                    | 23.67 | 3.02                  | 0.12 |

Source: AdaptWest

As shown in Table 9, mean annual precipitation is projected to increase slightly in the period through 2081 through 2100. Mean precipitation in the months of May through September, which correspond with New Jersey’s traditional growing season, is projected to be relatively stable in the same period. Although projected changes are low, it is noted that even small amounts of change in mean annual and season precipitation can, potentially, have significant consequences. These include but are not limited to: increased wildlife extinction rates; decreased food security; reduced economic output; increased flooding; and drought. These are important considerations in preparing a Climate Change-Related Hazard Vulnerability Assessment as described later in this reexamination report.

**Changes at the County Level**

As indicated in the following subsections, there have been several changes at the county level since the adoption of the 2014 Reexamination Report.

**2017 Somerset County Housing Element Update**

The Somerset County Planning Board adopted a comprehensive update of the Housing Element, which was originally adopted as part of the 1987 Somerset County Master Plan. The 2017 Somerset County Housing Element Update is

intended to serve as a guide for local and regional land use and housing plans, policies, programs, regulations, and investment decisions. It is organized around the following guiding principles:

- Respond to the changing needs of the County’s population by encouraging a broad range of housing types at all levels of affordability;
- Create healthy, attractive, walkable neighborhoods with proximity and access to jobs, cultural and recreational amenities, services and transportation choices;
- Align housing policies and strategies with the principles of regional and local smart growth and sustainability;
- Maximize the dynamic relationship between housing supply, quality of life and the strength of the economy;
- Support efforts to advance the Federal and State Fair Housing Acts and “Affirmatively Furthering Fair Housing” requirements; and,
- Enable informed housing policy, regulatory and investment decision-making.

In addition to the above, the 2017 Somerset County Housing Element Update includes recommendations concerning the location and design of residential development throughout Somerset County and encourages the appropriate investment of public and private funds in the provision of infrastructure, facilities, services, and public amenities needed to create sustainable, resilient, healthy, and vibrant neighborhoods. Additionally, the 2017 Somerset County Housing Element Update recommends the preservation and rehabilitation of existing housing stock, the enhancement of existing neighborhoods, and the integration of workforce housing opportunities into redevelopment and infill projects.

Please note that 2017 Somerset County Housing Element Update discusses Somerset County generally and does not provide municipality-specific information.

### **2022 Somerset County Preservation Plan**

In 2022, the Somerset County Planning Board adopted the Somerset County Preservation Plan. At the heart of the 2022 Somerset County Preservation Plan are three individual plan elements, namely: Historic Preservation Plan Element; Open Space Preservation Plan Element; and Farmland Preservation and Agricultural Development Plan. Each is discussed in the following subsections.

#### ***Historic Preservation Plan Element***

With the adoption of the 2022 Somerset County Preservation Plan, the Somerset County Planning Board adopted its first Historic Preservation Plan Element. The 2022 Somerset County Historic Preservation Plan Element provides an overview of Somerset County’s historic contexts, and describes the significant historic resources associated with the County’s historical development. It also outlines: the benefits of historic preservation; issues associated with preserving historic resources,

communities, and landscapes; and goals and strategies for a collaborative approach to promoting the stewardship of historic resources.

The 2022 Somerset County Historic Preservation Plan Element is based upon the following guiding principles:

- Building vibrant communities through historic preservation;
- Placemaking (i.e., recognizing and maintaining Somerset County’s unique character and sense of place, and connecting residents and visitors to that sense of place);
- Looking forward (i.e., a focus not on bringing back the past, but on integrating it into the present and future);
- Attention to what matters to Somerset County (i.e., protecting resources that are locally significant, as well as nationally and regionally);
- Preserving historic resources owned by Somerset County;
- Sustainable development; and,
- Education and involvement.

While the 2022 Somerset County Historic Preservation Plan Element does not make recommendations that are specific to Branchburg Township, it does identify historic resources within the Township. These include:

- Andrew Ten Eyck House;
- South Branch School House;
- Neshanic Station Historic District;
- North Branch Historic District;
- Historic Bridges:
  - Neshanic Station Lenticular Truss Bridge (Higginsville Road over South Branch Raritan River);
  - Higginsville Road over South Branch Raritan River;
  - Station Road (CR 679) over Chambers Brook;
  - Woodfern Road over South Branch Raritan River;
  - River Road over Raritan Valley Line (NJ Transit);
  - Chambers Brook Bridge over Raritan Valley Line (NJ Transit) and Dumont Creek;
  - South Branch Railroad of CRRNJ over South Branch Raritan River;
- Neshanic Valley Golf Course;
- Hall/Van Camp Farmstead; and,
- Confluence Reservoir Site.

***Open Space Preservation Plan Element***

With the adoption of the 2022 Somerset County Preservation Plan, the Somerset County Planning Board adopted an Open Space Preservation Plan Element. The 2022 Somerset County Open Space Preservation Plan Element presents general

information and strategies to achieve the County’s desired outcome for Somerset County’s open space system: open space access for all county residents within a ten-to-fifteen-minute walk from home. To achieve this outcome, the Open Space Preservation Plan Element sets the following goals for Somerset County:

- Create an open space system preserving lands of county-wide significance;
- Preserve open space to protect critical environmental resources of Somerset County;
- Provide open space for a diverse mix of high-quality recreational experiences appropriate for a county park system;
- Provide county parks and trails where they will most easily serve the greatest population concentrations in Somerset County;
- Provide open space in order to enhance the quality of life in Somerset County;
- Leverage the Somerset County Preservation Trust Fund;
- Preserve historic sites on Somerset County-owned open space land; and,
- Cultivate partnerships.

While the 2022 Somerset County Open Space Preservation Plan Element discusses existing open space and recreation facilities in Branchburg Township, it does not set Branchburg-specific goals for open space preservation planning.

***Farmland Preservation Plan Element***

With the adoption of the 2022 Somerset County Preservation Plan, the Somerset County Planning Board adopted a Farmland Preservation Plan Element. The 2022 Somerset County Farmland Preservation Plan Element presents general information and strategies to achieve the following countywide goal: preserve 16,000 acres of farmland, or a little less than half of the current amount of farmland in Somerset County.

The 2022 Somerset County Farmland Preservation Plan Element notes that a significant portion of Somerset County’s prime farmland is in Branchburg Township, and, as a result, significant portions of Branchburg Township are in an Agricultural Development Area (n.b., an Agricultural Development Area is an area that has the potential for long-term agricultural viability and is the focus for farmland preservation investment). However, Branchburg-specific preservation goals are not provided in the 2022 Somerset County Farmland Preservation Plan Element.

***Somerset County Comprehensive Economic Development Strategy***

The Somerset County Comprehensive Economic Development Strategy was developed by the Somerset County Business Partnership through a grant from the US Economic Development Authority. It was adopted as an element of the Somerset County Master Plan in 2014. It contains economic development priorities and implementation strategies that support private sector investment and job growth.

Its primary focus areas are, as described in the Comprehensive Economic Development Strategy:

- **Business Resources:** Business resources and services, such as hiring incentives, job training programs, financial assistance programs, entrepreneurial resources, help for displaced workers, and energy efficiency improvement programs, should be leveraged to attract and retain industries and companies consistent with existing infrastructure, physical structures, and workforce assets.
- **Re-Use of Significant Properties:** The re-use of significant properties, office complexes, and industrial facilities should incentivize the growth of targeted industries and the needs of business for competitive, efficient, and functional facilities. This focus area connects with other priorities, such as delivering business resources, reducing the regulatory burden, and enhancing workforce delivery.
- **Reduce the Regulatory Burden:** The regulatory burden on business should be reduced through simplified, consistent, efficient, and customer-oriented permitting and approval processes. Reducing the regulatory burden on business connects directly to the delivery of business resources and the re-use of significant properties.
- **Workforce Delivery:** Recognize and support the significant and necessary role that workforce development partners play in advancing employee capacity, inasmuch as workforce capacity and availability are key in corporate site location decision making. While the region's education and human services partners often deliver specific resources, such as unemployment benefits, job readiness, customized training, skills training certificates, and associate-level degrees, the delivery of employer-focused resources needs to be more collaborative.
- **Transportation and Commuting:** Transportation and commuting resources connect directly to the economic strategies of re-use of significant properties and workforce delivery. As a suburban region, there are many factors impacting safe, efficient, and affordable transportation in Somerset County. It is critical that limited public resources are targeted to have the greatest positive economic impact.

Please note that the Somerset County Comprehensive Economic Development Strategy does not contain Branchburg-specific economic development strategies or recommendations.

### **Somerset County Investment Framework**

The Somerset County Investment Framework was originally prepared in 2014 and subsequently revised in 2017. It was prepared by the Somerset County Planning Board in close collaboration with state, county, and municipal officials, local and regional planners, the business community, and other individuals and stakeholder

groups. It is a GIS-based mapping tool that, through a “criteria-based approach,” identifies areas most suitable for growth and preservation in Somerset County.

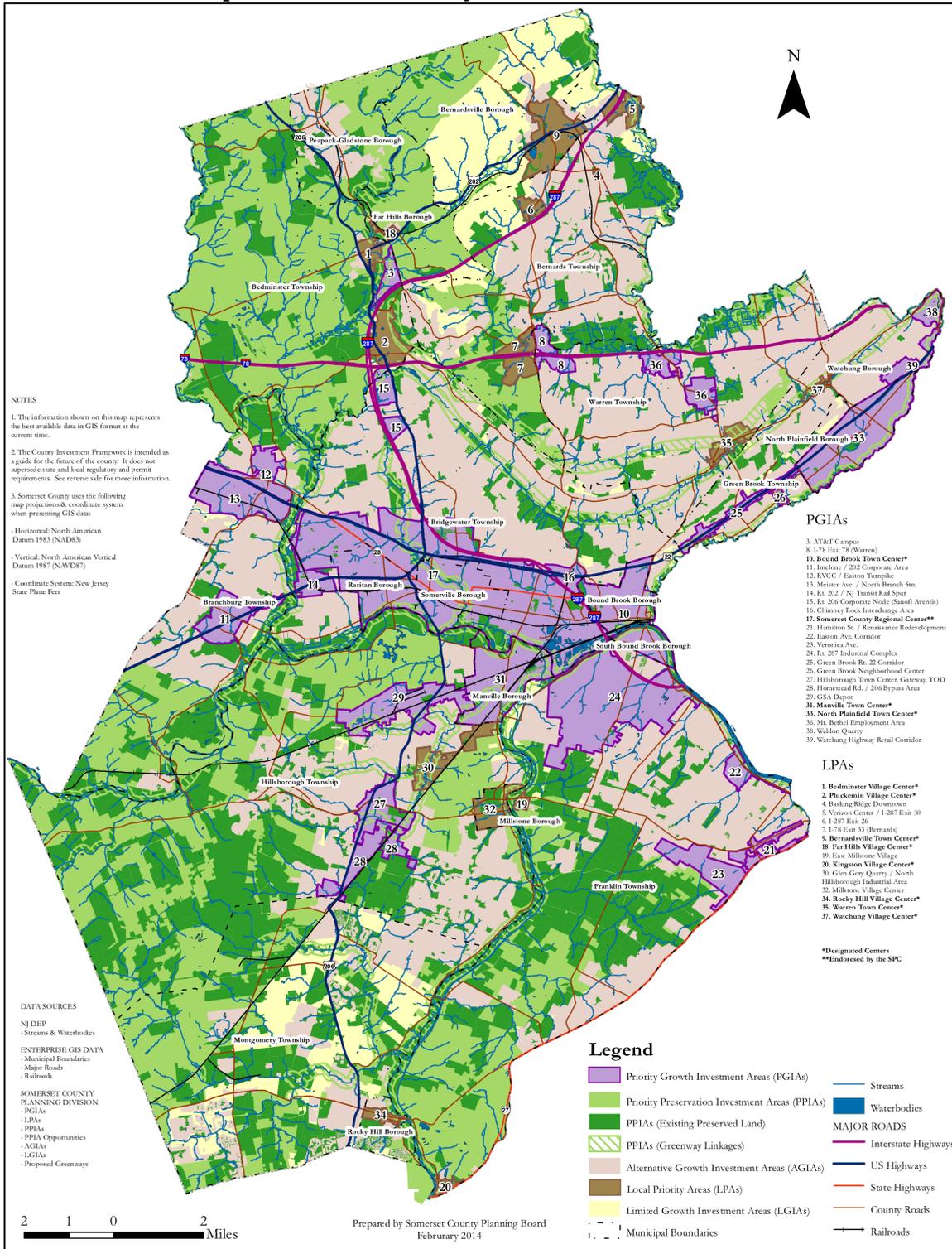
The Somerset County Investment Framework categorizes areas as follows:

- Priority Growth Investment Areas (PGIAs): PGIAs are areas where primary economic growth and community development strategies that enhance quality of life and economic competitiveness are preferred; and where appropriate, growth-inducing investments are encouraged. PGIAs are areas where development and infrastructure assets are already concentrated. They are prime locations for the vibrant mixed-use, live-work environments within walking distance of transit and green space, and that many employers, workers and households desire.
- Priority Preservation Investment Areas (PPIAs): PPIAs are areas where agriculture and the preservation and restoration of environmentally sensitive natural resources are preferred and where investments aimed at resource restoration and protection, and farmland and open space preservation are preferred. Environmental and agricultural assets are concentrated within the County’s PPIAs, as well as the County’s highly prized scenic, rural, and historic landscapes. These are the areas where voluntary use of environmental/agricultural stewardship best management practices by both the public and private sectors are encouraged.
- Alternative Growth Investment Areas (AGIAs): AGIAs are existing substantially developed areas located within adopted sewer service areas that are not PGIAs or PPIAs, and where large-scale, growth-inducing investments are not desired. Most of the County’s AGIAs consist of residential neighborhoods and include community-oriented business and service establishments. These are quiet, safe, well-maintained residential areas where investments that enhance livability and neighborhood character are preferred.
- Limited Growth Investment Areas (LGIAs): LGIAs are areas that are outside of sewer service areas and that are not shown as PGIAs, AGIAs or PPIAs. LGIAs are places where large-scale investments that may lead to additional development or change in neighborhood character are not desired. LGIAs are comprised primarily of existing low-density, residential areas that are served by on-site septic systems. They are areas that support lifestyles with strong connections to the natural environment. Investments that restore and protect environmental resources, strengthen open space linkages and enhance quality of life are preferred in LGIAs.

As provided in the Somerset County Investment Framework, Branchburg is located in Priority Growth, Priority Preservation, and Alternative Growth investment areas. A copy of the Somerset County Investment Framework Map is provided below.

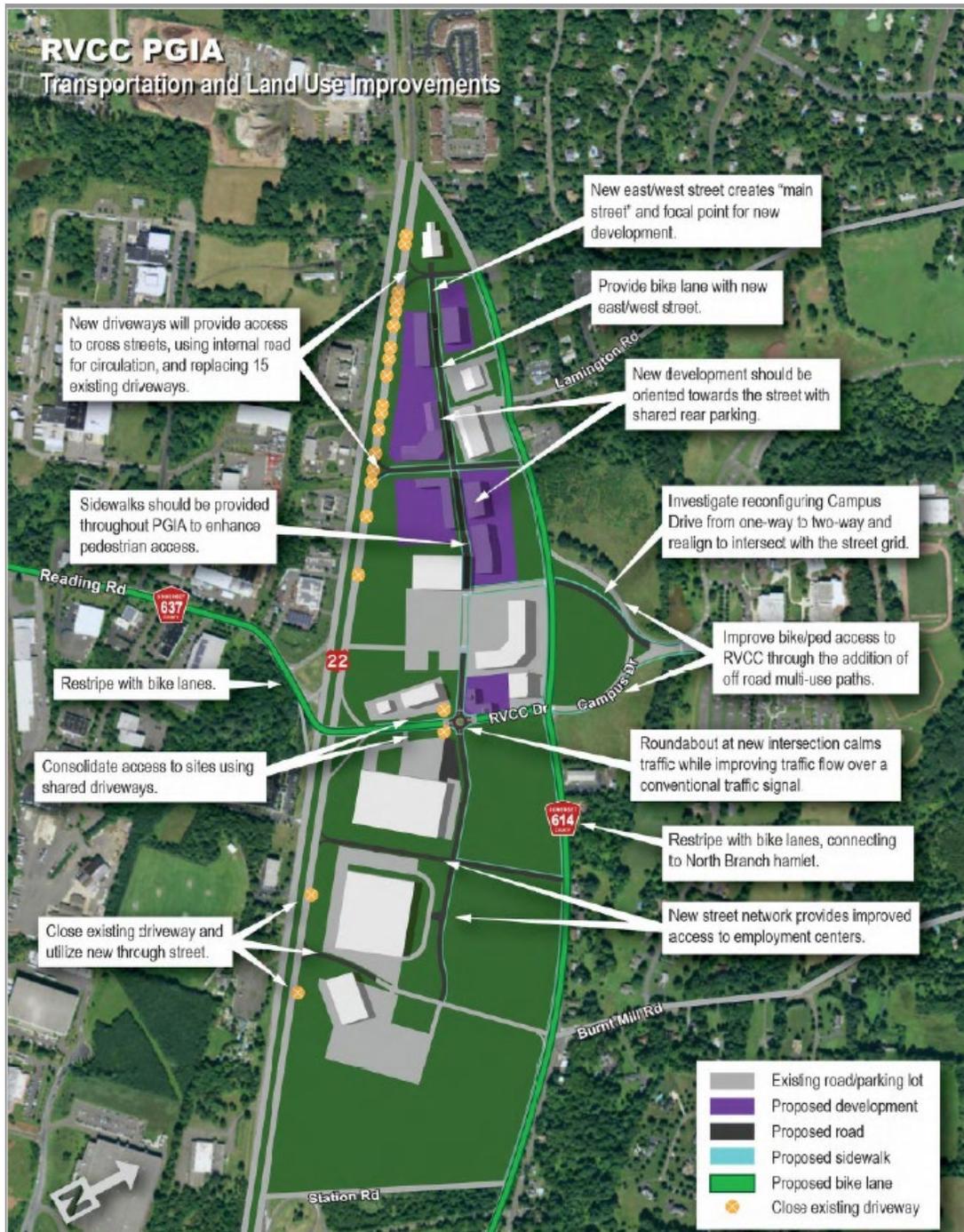
*2023 Master Plan Reexamination Report  
Township of Branchburg, Somerset County, New Jersey  
Adopted: March 8, 2023*

**Map 1: Somerset County Investment Framework**



**The Somerset County Investment Framework Phase 2 Study (RVCC/Easton Turnpike Priority Growth Investment Area)**

This study focuses on the RVCC/Easton Turnpike corridor and provides specific recommendations regarding land uses and transportation strengths, weaknesses, opportunities, and constraints in this area. The graphic below includes a summary of the recommendations for this priority growth investment area:



### **Somerset County Multijurisdictional Hazard Mitigation Plan**

The Somerset County Hazard Mitigation Plan (HMP) was last updated in 2019. The HMP, which is updated every five years, assesses natural hazard risk and vulnerability, and identifies strategies to mitigate same. As indicated in the HMP, Branchburg Township is at risk of:

- High Risk:
  - Flood.
- Medium Risk:
  - Severe Storm;
  - Severe Winter Storm;
  - Drought;
  - Extreme Temperature; and,
  - Wildfire.
- Low Risk:
  - Earthquake.

To mitigate risk and vulnerability, the HMP outlines key strategies to be implemented. A sample of the strategies identified for Branchburg Township is provided below:

- Purchase, relocate, or elevate structures located in hazard-prone areas to protect structures from future damage, with repetitive loss and severe repetitive loss property as priority.
- Emergency power infrastructure to run the emergency radio systems, emergency phones, and emergency data network communications.
- Conduct community and public education and outreach for residents and businesses.
- Incorporate ordinances and/or zoning restrictions to control and mitigate future development in hazard areas.
- Develop programs/procedures to capture and archive loss data from events.
- Obtain and install backup power sources at critical facilities.
- Support ongoing updates of Comprehensive Emergency Management Plans.
- Create/Enhance/Maintain Mutual Aid agreements with neighboring communities for continuity of operations.
- Identify and develop agreements with entities that can provide support with FEMA/NJOEM paperwork after disasters.
- Continue to support the implementation, monitoring, maintenance, and updating of the HMP.
- Maintain compliance with and good-standing in the NFIP including adoption and enforcement of floodplain management requirements.
- Obtain and archive elevation certificates.

- Promote the participation of Floodplain Administrator within the planning process and other activities.
- Implement permit fee waivers for installation of backup power for private property.
- Provide public education and outreach on proper installation and/or use of backup power.
- Implement, review, and enforce municipal policies and programs to prevent trees from threatening lives and impacting power availability/interruption.

### **Changes at the State Level**

As indicated in the following subsections, there have been considerable changes at the state level since the adoption of the 2014 Reexamination Report.

#### **Land Use Plan Statement of Strategy on Smart Growth, Storm Resiliency, and Environmental Sustainability**

The M.L.U.L. was amended in 2018 to provide that any land use element adopted after the effective date of P.L.2017, c.275, must provide a statement of strategy concerning: smart growth, which shall consider potential locations for the installation of electric vehicle charging stations; storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure; and environmental sustainability. The law became effective on January 8, 2018.

#### **Climate Change-Related Hazard Vulnerability Assessment**

The M.L.U.L. was amended by P.L. 2021, c.6 to provide that any land use plan element adopted after the effective date of the amendment, must provide a climate change-related hazard vulnerability assessment which shall:

- Analyze current and future threats to, and vulnerabilities of, the municipality associated with climate change-related natural hazards, including, but not limited to increased temperatures, drought, flooding, hurricanes, and sea-level rise;
- Include a build-out analysis of future residential, commercial, industrial, and other development in the municipality, and an assessment of the threats and vulnerabilities identified above;
- Identify critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and for sustaining quality of life during a natural disaster, to be maintained at all times in an operational state;
- Analyze the potential impact of natural hazards on relevant components and elements of the master plan;
- Provide strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards;
- Include a specific policy statement on the consistency, coordination, and integration of the climate-change related hazard vulnerability assessment with any existing or proposed natural hazard mitigation plan, floodplain

- management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan; and
- Rely on the most recent natural hazard projections and best available science provided by the New Jersey Department of Environmental Protection.

### **Complete Streets**

In late 2009, the New Jersey Department of Transportation (NJDOT) adopted a Complete Streets Policy. A “complete street” is defined by the NJDOT as a “means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options.” The intent of the policy is to provide streets that meet the needs of all types of users and all modes of circulation (e.g., walking, bikes, cars, trucks, and buses).



The New Jersey Bicycle and Pedestrian Resource Center states that complete streets benefit communities by addressing the needs of all road users regardless of age, ability, or mode of transportation. Benefits can include the following:

- Enhancing mobility and accessibility by enhancing connections between local destinations, including critical and community facilities and retail destinations;
- Improving safety;
- Enhancing the sense of community and quality of life;
- Reducing reliance on automobiles;
- Reducing congestion;
- Revitalizing downtowns;
- Increasing private investment;
- Increasing property values; and
- Promoting tourism.

A municipal complete streets policy is the community’s formal strategy to focus decision making and funding on planning, designing, and constructing community streets that accommodate all intended users. According to the National Complete Streets Coalition, the following items represent some of the items in an ideal complete streets policy:

- A vision for how and why the community wants to complete its streets.
- Identification that “all users” includes pedestrians, bicyclists, and transit passengers of all age and ability, as well as automobile drivers and transit-vehicle operators.
- Emphasis on street connectivity and comprehensive, integrated, connected networks for all modes of transportation.

- Relevance to both new and retrofit projects, including design, planning, maintenance, and operations for the entire right-of-way.
- Use of the latest and best design standards while recognizing the need for flexibility in balancing user needs.
- Establishment of performance standards with measurable outcomes.
- Steps for implementation.

As of the preparation of the 2023 Master Plan Reexamination Report, a total of 173 New Jersey municipalities had adopted complete streets policies. Branchburg Township has not adopted a complete streets policy. It should, however, be noted that Somerset County has adopted a complete streets policy. Indeed, the Somerset County Board of Chosen Freeholders adopted a complete streets policy with the adoption of Resolution No 16-743 on October 11, 2016.

### **Sustainable Jersey**

Sustainable Jersey is a certification program for municipalities in New Jersey that want to go green, save money, and take steps to sustain their quality of life over the long term. The program provides tools, training, and financial incentives to support and reward communities as they pursue sustainability programs.



The Township of Branchburg registered to participate in the Sustainable Jersey program on April 13, 2009, but, to date, has not become a certified member.

### **State Strategic Plan**

The New Jersey State Planning Commission is staffed by the Office of Planning Advocacy (OPA), which is within the Department of State. The OPA has released a draft State Strategic Plan that would supersede the current State Development and Redevelopment Plan. The draft State Strategic Plan differs from previous plans in that it is based upon a criteria-based system rather than a geographic planning area. While public hearings were held in February, March, and September of 2012, the draft State Strategic Plan was put on hold following Hurricane Sandy, and to date has yet to be adopted by the State Planning Commission. The Township of Branchburg should continue to monitor the progress of the new plan and how it will affect local-level planning decisions.

### **Redevelopment Case Law**

There have been a number of recent amendments to the Local Redevelopment and Housing Law (L.R.H.L.) that were made in response to court decisions concerning the criteria used for determining an area "in need of redevelopment." The most significant of these decisions include the New Jersey Supreme Court decision in Gallenthin vs. Paulsboro, 191 N.J. 344 (2007), which reevaluated and set guidelines for the use of the statutory criteria for determining an area in need of

redevelopment; Harrison Redevelopment Agency v. DeRose, 398 N.J. Super. 361, 942 A.2d 59 (App. Div. 2008), which addressed the requirements for notifying property owners in connection with a redevelopment area designation; and the New Jersey Supreme Court decision in 62-64 Main Street, L.L.C. v. Hackensack, 221 N.J. 129 (2015), which further refined the application of the statutory criteria post-Gallenthin. In response to the Gallenthin and Harrison decisions, the L.R.H.L. was amended in 2013 to provide for both a non-condemnation and condemnation redevelopment area designation and redefine the criteria and procedures for designating an area in need of redevelopment and rehabilitation, including an update to the requisite notice requirements during the redevelopment area designation process.

The LRHL was subsequently amended in 2019 to expand the criterion for designation as an area in need of redevelopment that is provided at N.J.S.A. 40A:12A-5(b) to include the discontinuance or abandonment of buildings used for retail, shopping malls and office parks, as well as buildings with significant vacancies for at least two (2) consecutive years. As amended, N.J.S.A. 40A:12A-5(b) reads:

- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.*

The L.R.H.L was further amended in 2019 to include a new requirement that redevelopment plans identify proposed locations for electric vehicle charging infrastructure. It was amended once again in 2021 to further encourage the development of electric vehicle charging infrastructure, as well as the inclusion of zero-emission vehicle fueling infrastructure.

### **Safe Routes to School**

New Jersey Safe Routes to School (SRTS) program, is supported by the New Jersey Department of Transportation with funding from the Federal Highway Administration in order to enable safer and more accessible walking and bicycling environments for children in New Jersey. In 2012, the SRTS program completed an update to the statewide strategic plan that identifies a mission and vision for the SRTS program, looks at past successes in the state, and identifies goals and performance measures to ensure success. The SRTS program also offers infrastructure grant funding that may be used for infrastructure (i.e., construction) projects that encourage and enable students from grades K-8 to safely walk and bike to school from within 2 miles of the school. Typical improvements include

installation of Americans with Disabilities Act-compliant sidewalks, bike paths, striping, lighting, signals and traffic calming improvements.

**New Jersey Council on Affordable Housing (COAH)**

The Council on Affordable Housing (COAH) originally adopted affordable housing rules for the third round period (i.e., the period from 1999 through 2025) in 2004. However, an Appellate Division decision in 2007 stayed COAH from reviewing any plans as part of a petition for substantive certification and resulted in a remand of the 2004 rules back to COAH to revise them to be consistent with the Appellate Division decision. COAH subsequently adopted revised third round rules in 2008.

In 2010, the Appellate Division invalidated COAH's 2008 third round rules, and the "growth share" methodology upon which they were based. In 2013, the New Jersey Supreme Court upheld and modified the Appellate Division's 2010 decision that invalidated COAH's third round rules. As a result, COAH was then charged with the task of adopting new affordable housing rules.

Due to COAH's failure to adopt such rules, the New Jersey Supreme Court concluded on March 10, 2015 that there no longer exists a legitimate basis to block access to the courts, which was the original intent of the COAH process. The New Jersey Supreme Court's 2015 decision notes that: "parties concerned about municipal compliance with constitutional affordable housing obligations are [now] entitled to such access, and municipalities that believe they are constitutionally compliant[,] or that are ready and willing to demonstrate ... compliance [with such obligations,] should be able to secure declarations that their housing plans and implementing ordinances are presumptively valid in the event they ... must defend [themselves] against exclusionary zoning litigation."

After the New Jersey Supreme Court's March 10, 2015 decision, Branchburg Township filed a declaratory judgement action. This act would initiate legal proceedings which would result in:

- Entry into a Settlement Agreement with the Fair Share Housing Center, dated August 28, 2019 and addressing the Township's fair share obligations through the Third Round;
- A Fairness Hearing as to the Settlement Agreement on December 18, 2019 and, thereafter, an Order of the Court preliminarily approving, with conditions, the Settlement Agreement, the Third Round fair share obligation, and the Township's Fair Share Plan on January 5, 2020;
- The Township's satisfaction of the conditions of the aforementioned January 5, 2020 Order of the Court;
- A Compliance Hearing conducted on March 14, 2022, wherein it was found that Branchburg had met all conditions of the aforementioned January 5, 2020 Order of the Court and, as a result, the Township was granted a Final Judgement of Compliance and Repose.

The key result of the Township's Final Judgement of Compliance and Repose is immunity from builder's remedy and exclusionary zoning lawsuits through July 2, 2025.

### **Cannabis Legalization**

Governor Murphy signed into law legislation legalizing and regulating adult cannabis use and possession.

Municipalities had until August 21, 2021 in order to take actions to: either prohibit or limit the number of cannabis establishments, distributors, or delivery services; and, in the event that the municipality opts to not prohibit such uses, regulate the location, manner and times of operation and establish civil penalties for violation of ordinances.

If a municipality did not take action by August 21, 2021, any class of cannabis establishment or distributor would have been permitted to operate in the municipality and, depending upon the use, be considered a permitted use in certain zones.

Once a municipality took action to permit cannabis establishments, their action would remain valid for a period of five years. In addition, if a municipality did not take action to limit cannabis establishments by August 21, 2021, it would be prohibited from taking such action for a period of five years. After a period of five years has elapsed, municipalities shall be granted another 180-day window in which to take action as permitted in the period before August 21, 2021.

On May 24, 2021, Branchburg Township passed Ordinance No. 2021-1410 to prohibit all classes of cannabis businesses and distributors from operating within the municipality.

### **Reexamination Report Requirements**

The M.L.U.L. was amended in 2019 to require that master plan reexamination reports include recommendations concerning locations appropriate for the development of public electric vehicle infrastructure. The following requirement was added at N.J.S.A. 40:55D-89(f):

*The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.*

This reexamination report meets this requirement.

### **Electric Vehicle Supply and Make-Ready Parking Spaces**

In July 2021, the M.L.U.L. was further amended to include specific numerical and zoning standards for the installation of electric vehicle supply equipment and “make-ready” parking spaces (n.b., “make-ready” parking spaces are parking spaces that include pre-wiring and other electrical equipment to support electric vehicle charging, excluding chargers).

Key aspects of the July 2021 M.L.U.L. amendment include:

- Stipulation that applications for development submitted only for the installation of electric vehicle supply equipment or “make-ready” parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning districts of a municipality and shall not require a variance;
- Stipulation that applications for development of the installation of electric vehicle supply equipment or “make-ready” parking spaces at an existing gasoline service station, an existing retail establishment, or any other existing building:
  - Shall either be subject to site plan or other land use board review, nor require variance relief;
  - Shall be approved through issuance of a zoning permit, provided that bulk requirements, the conditions or original approval, and relevant construction codes are met;
- Requirement that, as a condition of preliminary site plan approval, applications involving multifamily development of five or more units shall:
  - Provide at least 15 percent of the required off-street parking spaces as “make-ready” parking spaces and install electric vehicle supply equipment on at least one-third of the required 15 percent of parking spaces;
  - Install electric vehicle supply equipment on an additional one-third of the required 15 percent of parking spaces within three years following the date of the issuance of the certificate of occupancy;
  - Install electric vehicle supply equipment on the final one-third of the required 15 percent of parking spaces within six years following the date of the issuance of the certificate of occupancy; and,
  - Make at least five percent of the electric vehicle supply equipment accessible for people with disabilities.
- Requirement that all other applications involving a parking lot or garage shall provide “make-ready” parking spaces as a condition of approval follows:
  - At least one if there will be 50 or fewer off-street parking spaces;
  - At least two if there will be at least 51 and no more than 75 off-street parking spaces;

- At least three if there will be at least 76 and no more than 100 off-street parking spaces;
  - At least four, with one accessible for people with disabilities, if there will be at least 101 and no more than 150 off-street parking spaces; and,
  - For parking lots with more than 150 off-street parking spaces, install at least four percent of the total parking spaces as “make-ready” parking spaces with at least five percent of the required number of “make-ready” parking spaces accessible for people with disabilities.
- Stipulation that applicants may install electric vehicle supply equipment at parking spaces instead of providing “make-ready” parking spaces;
  - Stipulation that parking spaces provided with electric vehicle supply equipment or provided as “make-ready” parking spaces shall count as at least two parking spaces for the purpose of complying with minimum number of parking space requirements, provided that the reduction in the required number of parking spaces is not more than ten percent.

These new requirements for electric vehicle supply and “make-ready” parking spaces, which are mandated by the July 2021 amendment to the M.L.U.L. should be reviewed and evaluated by the Township Committee and Planning Board and a determination made as to what amendments to the Township’s Land Use Ordinance and zoning regulations may be necessary to respond to these newly enacted statutory provisions.

### **Proposed NJDEP Rule: Inland Flood Protection Rule**

The proposed Inland Flood Protection Rule would establish new design flood hazard elevations that estimate changes to New Jersey’s changing climate and intensity of rainfall events. The updated standards would apply to certain new and substantially reconstructed development in inland riverine areas that are subject to flooding, but they do not prohibit development in these flood hazard areas. The proposed rule will elevate the habitable finish floor elevations by two feet based on NJDEP state flood maps and three feet based on FEMA maps. In addition, the proposed rule will require utilizing higher rainfall intensity precipitation data when calculating peak flow rates for sizing stormwater management systems.

If the rule is adopted, new development in places prone to flooding, like North Branch Village, would be required to comply with the flood elevation rules.

## V — Specific Changes Recommended for the Master Plan and Development Regulations

The following sections outline recommended changes to the master plan and development regulations.

### Recommended Changes to the Master Plan

**1. Land Use Plan Element Amendments: The following recommendations are specific additions, revisions and amendments to the 2011 Land Use Plan Element.**

- a. Route 22/28 Corridor (North Branch Village Extension) Land Use Vision. This is an amendment to the Township's Land Use Plan Element to include the future land use vision for the Route 22/28 Corridor that was developed by the Planning Board with the benefit of community outreach sessions as described in this reexamination report. This future land use vision is depicted in Map 3.

This area, also referred to as the study area, presents many strengths and opportunities for redevelopment that supports the vision of the Planning Board including its location along a regional highway network (Route 22), the adjacency of Raritan Valley Community College as a people magnet and the nearness of the North Branch Station on the NJ Transit Raritan Valley line within one mile of the study area. There are certain existing conditions that also present opportunities for future redevelopment including office space vacancies, favorable improvement to land value ratios (properties that may be ripe for redevelopment) and favorable lot configurations that may support an improved internal street network.

The study area has a mix of uses including highway commercial (retail/restaurant/personal services), single-family residential, office, multi-family residential, industrial, and vacant parcels within six (6) different zoning districts including the I-2 Industrial, RS-1 Retail Services, MH Mobile Home, NBH North Branch Historic, LD Low Density Residential, AH-7 Affordable Housing and ALO Assisted Living Overlay zoning districts. The study area contains 39 parcels with an area of approximately 152 acres.

One approach to help identify potential “growing lack or total lack of proper utilization” is to calculate the improvement-to-land-value ratio, or the ratio of a parcel's assessed improvement value to its assessed land value. A ratio of less than 1:1 typically indicates that the property's buildings and other improvements are valued less than the land on which they are built. Similarly, a ratio significantly greater than 1:1 suggests a high level of economic

productivity and represents a higher ratable contribution to the Township's tax base.

Based on an analysis of the study area, a significant number of parcels (63% of parcels and 58% of the total land area) have a ILV ratio value that is less than 1.0. The average ILV ratio for the study area is 0.38 which includes 61 acres or 40% of the study area below the ILV ratio average. Based on the review of the study area's strengths, weaknesses and opportunities, the Planning Board is recommending a new land use strategy for the study area.

The new land use vision for the Route 22/28 Corridor and North Branch Village Extension is focused on the properties bound on the north by Route 28 (Easton Turnpike) and Route 22 to the South. RVCC drive bisects the study area and Station Drive is the eastern boundary of the study area. Raritan Valley Community College (RVCC), which is a major regional asset and destination for higher education and attracts a consistent base of students, teachers, employees, is located directly to the north of the study area.

Land Use Goals and Objectives. The vision to create a new "Main Street" for Branchburg includes the following specific goals and objectives:

- Create a Place: A new mixed-use village center which is also serves as an expansion of North Branch Village (at the eastern end of the study area) will be focal point for new development including residential and commercial uses to include:
  - Bike lanes and multi-modal transportation options.
  - Street-oriented development with shared rear parking options.
  - Traffic-calming measures.
  - New street network (internal circulation spine roadway) located between Route 22 and Easton Turnpike that provides access to employment centers, retail, services and residential uses.
  - Create open space opportunities for residents, employees and visitors.
  - Provide opportunities for varied residential housing opportunities.
  
- Route 22 Revitalization. Encourage land uses and transportation circulation to support RVCC Master Plan Vision. As RVCC looks to expand the college programs and campus the properties along Route 22 present opportunities to support the college's future vision. It is recognized that some of the parcels appropriate for support uses to RVCC may front on Route 22 and Route 28. The proposed future zoning for this area should remain flexible in order to adequately support the RVCC Master Plan Vision.

- Encourage uses that support RVCC curriculum and expansion goals including but not limited to:
  - specialty offices that provide collaborative workspaces including business incubation.
  - workforce training and businesses such as but not limited to automotive technology, commercial energy management, allied health, aesthetics, makeup artistry and cosmetology; and
  - advanced manufacturing uses including but not necessarily limited to laboratory, research, development, engineering and design, aseptic manufacturing including but not limited to cell and gene therapies and other biologics, production and assembly and similar activities related to the fields of biotechnology, pharmaceuticals, life sciences, computer software and hardware, telecommunications, robotics, aerospace technology or other emerging high technology industries.
- Remove and or consolidate access points to properties fronting on Route 22.
- Create opportunities for economic development appropriate to support RVCC and the existing and future resident population such as parks, recreation and lifestyle experiences including but not limited to restaurants, breweries, event space, art galleries, museums, commercial indoor or outdoor recreation, conference center and hotel, gyms and fitness center, theater, and childcare center.

The Land Use Element Plan shall be amended to include the recommended new land uses for the Route 22/28 Corridor and North Branch Village expansion as generally depicted on Map 3 and described below:

**Village District:** This area is centrally located along the Route 28 corridor and it is anticipated that the center of the district will be focused on the RVCC Drive and Route 28 intersection. Mixed use and multi-family and townhomes are envisioned as the primary uses in this district. This district is walkable with sidewalks, streetscape improvements including on-street parking, streetlights, bikeways and benches. A public plaza is recommended to anchor the center of the district.

**North Branch Village Expansion District:** This district is an extension of the character of North Branch Village and will support primarily single-family detached and attached dwellings. This district is also walkable with sidewalks that connect the Village District with the existing North Branch Village area.

Corridor District: This district fronts on Route 22 and supports the surrounding residential uses with retail, restaurants, personal services and entertainment uses. It is anticipated that an internal circulation system is created to limit the quantity of entrances along Route 22 and encourages internal connections to the different uses.

Flex Tech/Education District: This district also fronts on Route 22 and includes properties adjacent to RVCC. As indicated previously, uses that support RVCC career training programs are encouraged in this district as well cultural oriented or lifestyle uses to support the surrounding community and visitors.

Recreation District: Given it's adjacency to the White Oak Park, this district would provide public open space amenities for the surrounding community.

- b. Route 22 West Corridor Land Use Plan Vision. There are several properties in this Corridor that front on Route 22 and zoned for Industrial use. Given the recent changes in zoning for inclusionary residential housing along this corridor, it is recommended that the future land uses for this area be updated to discourage future industrial development and instead encourage uses similar to the Corridor District uses within the Route 22/28 Corridor Land Use plan including but not limited to retail, restaurant, personal services, lifestyle and recreation uses, public and private recreation. These uses would service the existing and future residential population while limiting off-site nuisance impacts associated uses currently permitted within the Industrial zoning districts. The new Route 22 West Corridor is applicable to properties located in an existing Industrial or Office zoning district that fronts on Route 22 or is directly adjacent to a residential zone.
- c. Industrial Zoning District and Warehouse, Major Distribution, Large Fulfillment and Last Mile Distribution Center Policy. The existing industrial districts (I-1, I-2 and I-3) are generally concentrated along certain portion of the Route 202 and Route 22 corridors.

The NJ State Planning Commission published "Distribution Warehousing and Goods Movement Guidelines" report (WSG) in response to an expansion trend and evolution in the logistics industry. Given the rapid change in the growth of the e-commerce industry, New Jersey communities are facing substantial negative impacts between land use and the transportation network. As indicated in the WSG document,

*"What was once a less conspicuous land use limited to industrial parks in peripheral areas, distribution warehouses have become a much more recognizable feature on the landscape in towns*

*across New Jersey, as logistics companies pursue more and increasingly larger projects.”*

**and**

*“As large tracts of forested habitat and productive farmland are replaced with intensive warehouse uses, communities may be changed forever. Should such trends in accelerating greenfield development continue unabated, and without adequate land use parameters to appropriately locate, scale, and design projects, the negative impacts to New Jersey’s agricultural and natural land base, and associated communities, have the potential to be dramatic.” page 5*

With its geographic location near interstate highways and the increasing consumer markets associated with substantial new residential development due to the Township’s affordable housing obligation, the Township is becoming a target for the siting of warehousing and goods movement industries.

*As the report indicates “Logistics industries have particular growth, location, and transportation needs that, unlike residential or other land uses, make them ill-suited to certain locations. Nor can they simply be located anywhere, particularly when options exist to locate them closer to major ports, highway interchanges, and State Smart Growth Areas, where industry-preference and land use compatibility remains the greatest.”*

Branchburg Township agrees and adopts the principle that there are better locations for the growth of logistics industries that are outside of the Township borders where negative impacts from “intensive consumption of undeveloped land” for large-scale regional warehousing is far removed and the degradation of habitat, air and water resources, quality of life, public health and safety negative affect the Township citizens, employees and visitors.

The report emphasizes:

*“The hundreds, and sometimes thousands, of daily truck and passenger car trips that logistics warehousing generates, contribute to traffic jams and accidents, and the deterioration of road surfaces, in addition to harmful emissions of air pollutants. Put a large-scale project in the wrong place, and the negative impacts from a single intensive facility can have a significant regional impact.”*

And Branchburg Township agrees. The Township has an existing robust industrial district that provides valuable manufacturing products and jobs to the region and does not wish to exacerbate traffic impacts by permitting additional large scale and stand-alone distribution and warehouse uses. However, it is recognized that storage is typically an accessory use associated with light manufacturing and other principal permitted uses in the Industrial districts. The proposed recommended changes found in the Master Plan Reexamination Report and Land Use Element Plan focus on better defining the accessory storage use as a use that incidental to the principal permitted use. Moreover, the Township has continued to incrementally regulate stand-alone warehouses for the past twenty years both in past Reexamination Reports and Land Use Elements as well as in the Land Development Ordinances.

In addition, given the addition of the inclusionary residential developments within the Route 22 and Route 202 corridor that will add over 2,000 residential units, of which 20-25% are affordable to low- and moderate-income households, new or significant expansions of stand-alone warehouse, assembly, packaging and distribution facilities will create health impacts on these communities, where residents may have come from neighborhoods that were disproportionately exposed to past environmental harms. As stated in the report “proposals for new projects that will only worsen public health and safety raise environmental justice implications that clearly warrant a different approach and more immediate attention.”

In response to the “WSG” recommendation to adopt land use regulations with greater specificity as to appropriate siting and design standards and update and refine their planning and zoning regulations to differentiate among warehouse use types, Branchburg Township is taking immediate action by prohibiting all future stand-alone warehouse and distribution facilities and limiting the expansion of existing stand-alone warehouse and distribution facilities.

The Land Use Plan Element is updated to reflect this new land use policy and recommends the following land use ordinance revisions that support this policy:

- Prohibit warehouse, major distribution center, large fulfillment distribution center, last-mile fulfillment center, high cube automated warehouse, cross docking and cold storage from all zoning districts.
- Redefine light manufacturing as the making of goods by hand or by machine through mechanical or chemical transformation of materials or substances into new products, including machining, casting and

molding, joining and shearing and forming that are intended to be sold to customers upon completion. Items used in manufacturing may be raw materials or component parts of a larger product. All manufacturing occurs indoors. This term shall apply to any activity described above associated with pharmaceuticals.

- Permit storage of material, substances and products as accessory uses provided that storage use is specifically related to and incidental to the principal use.
- Confirm that extraordinary hazardous substance facilities are categorized as conditional uses in all industrial zoning districts.
- Create conditions for the expansion of existing stand-alone warehouses and uses that create nuisance impacts to residents and other sensitive receptor uses like religious institutions, schools, passive and active parks, etc.

## **2. Natural Resources Inventory/Conservation Plan**

As recommended in the 2014 Reexamination Report, prepare an updated Natural Resources Inventory to serve as a basis for a comprehensive Conservation Plan, which outlines the Township's ambitions for the preservation, conservation, and utilization of natural resources.

## **3. Comprehensive Circulation Plan**

As recommended in the 2011 Land Use Element, it is recommended here that the Planning Board draft and adopt an updated comprehensive Circulation Plan including bicycle, pedestrian, and public transportation components in collaboration with the New Jersey Department of Transportation and Somerset County to address traffic and circulation in the entire municipality.

In addition, and more specifically, it is recommended that the following specific revisions be included in an updated 2023 Circulation Element Plan at this time:

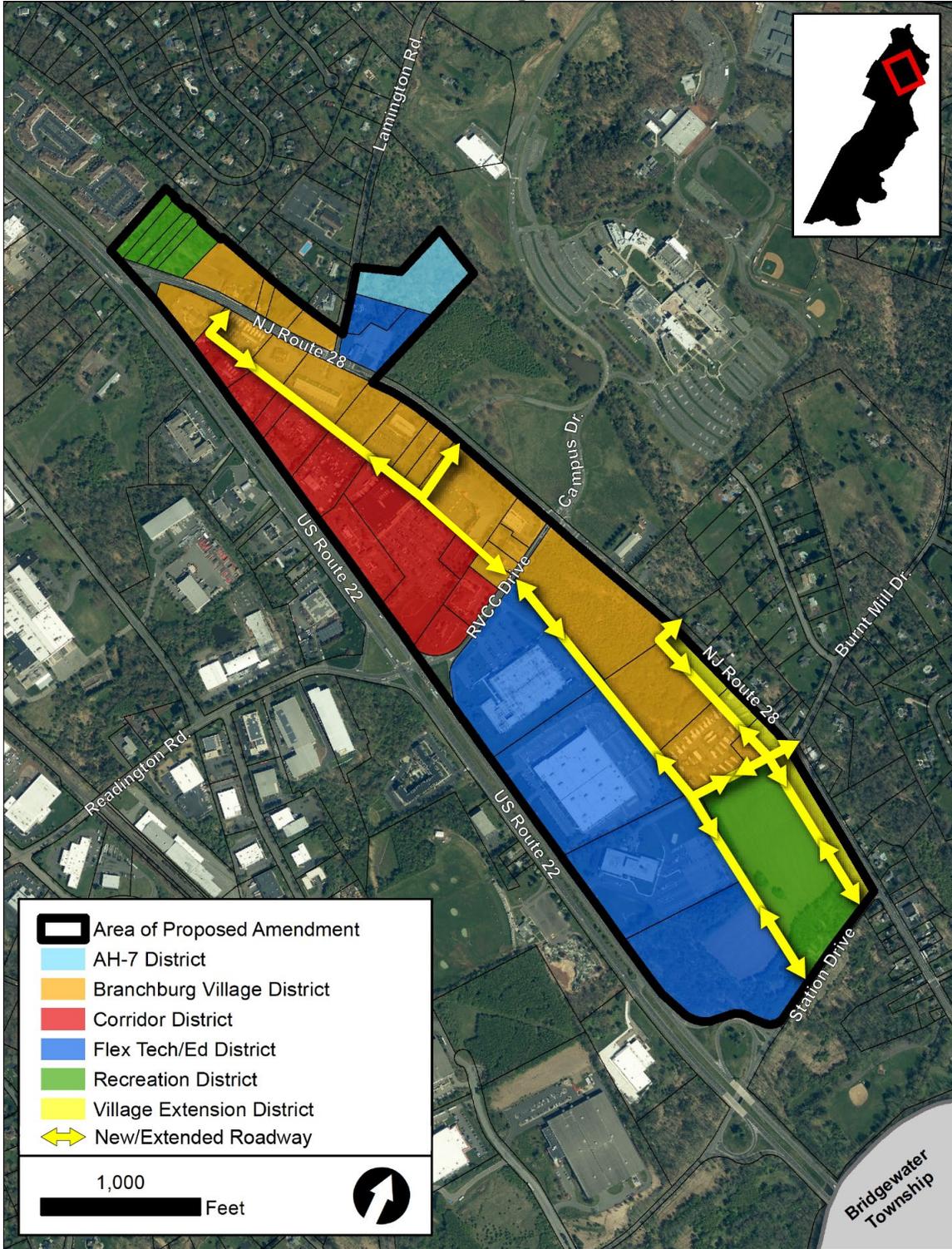
1. In the interest of traffic safety for residents and the motoring public, improvements to the existing uncontrolled median opening along Route 22 between County Line Road and France Drive are recommended. The improvements recommended are a modification to the median opening to

make it for one-way usage by Route 22 westbound traffic only, with construction of a westbound Route 22 storage lane for left turns and U-turns. This will eliminate the problem of uncontrolled vehicle conflicts that occur when vehicles can enter the median opening from both directions and will provide vehicle storage to keep vehicles from getting stuck in the through travel lanes of Route 22 westbound. It is also recommended that a loop road be constructed starting on the south side of Route 22 at the median opening to connect to the north/south connector road to the east.

**Map 2: Route 22 Median Opening Improvement Map**



**Map 3: Future Land Use Vision for Route 22/28 Corridor  
(North Branch Village Extension)**



## **Recommended Changes to Development Regulations**

1. Codify Ordinance 2015-1283 into the main body of the Land Development Ordinance.
2. Evaluate opportunities to simplify design standards of the RS-2 (Retail Service-2) Zone District. Prepare required amendments to execute simplification.
3. Amend the OL (Office/Laboratory) Zone District to adopt the buffering and limit of disturbance standards of the industrial zone districts (i.e., I-1, I-2, and I-3).
4. Prepare amendments to the Land Development Ordinance to incorporate new requirements for electric vehicle supply and “make-ready” parking spaces as mandated by the July 2021 amendment to the M.L.U.L.
5. Following the establishment of land use recommendations for the Route 22/28 Corridor, evaluate the need for revision to or removal of the ALO (Assisted Living Overlay) Zone District.
6. Update the zoning map to include the LDRC (Low Density Residential Cluster) Zone District.
7. Develop mapping and ordinance amendments to ensure that scenic resources are protected from new development.
8. Amend the list of permitted uses in the Township’s industrial zone districts (i.e., I-1, I-2, and I-3) to include solar, photovoltaic and wind energy generating facilities as permitted principal and accessory uses pursuant to P.L. 2009, c 35.
9. Evaluate parking standards for shopping centers and other commercial uses to ensure that adequate parking is provided while considering the need to reduce unnecessary impervious areas. Prepare necessary ordinance amendments.
10. Amend the Land Development Ordinance to include new definitions as required or precipitated by the foregoing recommendations for amendments.

11. Reevaluate the sign bulk and design standards to ensure signs are consistent with the overall aesthetic of the zone district while promoting safety and visual identity.

## **VI — Recommendations Concerning the Incorporation of Redevelopment Plans**

The Planning Board acknowledges that redevelopment may be a suitable means of implementing the future land use vision for the Route 22/28 Corridor that has been discussed in this reexamination report.

The Planning Board further acknowledges that the following redevelopment plans were adopted after the 2014 Reexamination Report and shall, hereby, be incorporated into the municipal master plan.

1. 18 Lamington Road: Block 3, Lot 19
2. Evans Way: Block 58, Lot 36 and Block 58.01, Lot 4

## **VII — Recommendations Concerning Electric Vehicle Charging Stations**

The transportation sector accounts for 46 percent of New Jersey’s net greenhouse gas emissions, making it the largest source of emissions. Accordingly, Governor Phil Murphy has set a goal of registering 330,000 electric vehicles in New Jersey by 2025 to reduce emissions from the transportation sector and help reach the goals of New Jersey’s Energy Master Plan and the Global Warming Response Act.

Key to the adoption of electric vehicles is the development of a robust public electric vehicle charging network. In this regard, it is noted that as of the preparation of this reexamination report, New Jersey had 785 public electric vehicle charging stations. Of these 785 public electric vehicle charging stations, four are located in Branchburg Township, as follows:

- One station with four ports located along Southwing Drive on the campus of Raritan Valley Community College; and,
- Three stations, each with two ports, located at 70 Meister Avenue.

To encourage the development of more electric vehicle charging stations within New Jersey, the M.L.U.L. was twice amended: (1) in 2019 to require that master plan reexamination reports include recommendations concerning locations appropriate for the development of public EV infrastructure; and (2) in 2021 to include specific numerical and zoning standards for the installation of electric supply equipment and “make-ready” parking spaces.

Regarding the identification of appropriate locations for the development of public electric vehicle infrastructure, the Planning Board does not recommend that specific areas of the Township be targeted for the creation of new public EV charging stations. Rather, it is recommended that opportunities for the development of public EV infrastructure should be maximized by applying the most recent (i.e., July 2021) amendments of the M.L.U.L., which are detailed in Section IV, to all future development within the Township. To facilitate same, it is recommended that the Township’s Land Use Ordinance and zoning regulations be reviewed to determine what amendments may be necessary to implement the July 2021 amendment to the M.L.U.L. concerning EV charging infrastructure and “make-ready” parking spaces.

It is further recommended that all future redevelopment plans or amendments to redevelopment plans include specific requirements and provisions for the development of public EV and zero emission infrastructure as required by recent amendments to the LRHL.

# Appendix

# Climate Change-Related Hazard Vulnerability Assessment

Date: March 2023

Prepared by Kendra Lelie, PP/AICP, LLA

Kyle + McManus Associates

## 1. Analyze climate change-related natural hazards:

Table 1 below summarizes the vulnerability risk rankings from the 2017 Somerset County Hazard Mitigation Plan of potential hazards within the Township of Branchburg.

| Natural Hazard Risk/Vulnerability Risk Ranking |  |                           |   |                             |
|--|--|---------------------------|---|-----------------------------|
| Hazard type                                    | Estimate of Potential Dollar Losses to Structures Vulnerable to the Hazard <sup>a, c</sup> | Probability of Occurrence | Risk Ranking Score (Probability x Impact) | Hazard Ranking <sup>b</sup> |
| Flood  | 1% Annual Chance: \$87,500,000<br>0.2% Annual Chance: \$136,100,000                        | Frequent                  | 18  | High <sup>g</sup>           |
| Severe Storm                                   | 100-Year MRP: \$2,748,156<br>500-Year MRP: \$6,838,048<br>Annualized Loss: \$79,744        | Frequent                  | 30  | Medium                      |
| Severe Winter Storm                            | 1% of GBS: \$28,283,050<br>5% of GBS: \$141,415,250  | Frequent                  | 27  | Medium                      |
| Earthquake                                     | 500-Year MRP: \$5,022,259<br>2,500-Year MRP: \$72,865,662<br>Annualized Loss: \$76,802     | Occasional                | 12  | Low                         |
| Drought  | Not available  | Occasional                | 12  | Medium <sup>g</sup>         |
| Extreme Temperature                            | Not available  | Frequent                  | 18  | Medium                      |
| Wildfire                                       | Not available  | Occasional                | 24  | Medium                      |

### Note

- Building damage ratio estimates based on FEMA 386-2 (August 2001)
- The valuation of general building stock and loss estimates was based on custom inventory for Somerset County.
- High = Total hazard priority risk ranking score of 31 and above  
Medium = Total hazard priority risk ranking of 15-30  
Low = Total hazard risk ranking below 15
- Loss estimates for the severe storm and severe winter storm hazards are structural values only and do not include the value of contents.
- Loss estimates for the flood and earthquake hazards represent both structure and contents.
- The HAZUS-MH earthquake model results are reported by Census Tract.
- This rank was adjusted based on qualitative input from county/jurisdictional representatives due to hazard event history and other municipality-specific considerations.

Risks associated with earthquakes have “low” hazard ranking and have an “occasional” probability of occurrence. Other occasional hazards include drought and wildfire, which have “medium” hazard rankings. Except for flooding, all other hazards are ranked "medium" and have a “frequent” probability of occurrence. Flooding is ranked as a “high” hazard ranking with “frequent” probability of occurrence.

Risks associated with the hazards have also been ranked to account for the probability of occurrence and the impact of the event. According to this ranking, the severity of potential hazards, from highest to lowest, is as follows:

- Severe Storm
- Severe Winter Storm
- Wildfire
- Flood
- Extreme Temperature
- Drought
- Earthquake

**2. Include a build-out analysis of future development and an assessment of the threats and vulnerabilities identified above related to future development:**

A review of building permit data for the past two decades providing by the New Jersey Department of Community Affairs is provided below for residential and non-residential uses.

Residential Building Permit Data. Annual building permits issued for new residential construction in Branchburg during the years 2009 through 2021 averaged about 16 units per year. These primarily include new housing units in 1- and 2-family units. Since 2018, new residential construction trends have changed slightly where 130 building permits were issued in 2020 and 150 building permits were issued in 2021 for multi-family dwelling units. It is anticipated that before the end of 2025, approximately 600 building permits will be issued for new multi-family housing units due to the implementation of the adopted Housing Element and Fair Share Plan inclusionary and 100% affordable housing developments. This future development was approved under NJDEP wetlands, floodplain and stormwater rules as well as the Township’s riparian way buffer requirements.

Non-residential Building Permit Data (by square feet)

| Year | Office  | Retail | Industrial | Storage | Misc/Other                       |
|------|---------|--------|------------|---------|----------------------------------|
| 2000 | 0       | 0      | 133,048    | 29,296  | 25,078                           |
| 2001 | 141,904 | 0      | 251,215    | 216,029 | 125,171- total<br>(101,025 (ed)) |
| 2002 | 450,291 | 0      |            | 7,725   | 15,471                           |
| 2003 | 484,579 | 0      | 25,000     | 3,488   | 9,474                            |
| 2004 | 218,551 | 0      | 65,721     | 43,699  | 40,714-total<br>(27,520 (ed))    |
| 2005 | 57,265  | 0      | 2,800      | 133,697 | 11,544                           |
| 2006 | 3,972   | 40,852 | 2,000      | 189,069 | 13,276                           |
| 2007 | 5,955   | 0      | 7,910      | 80,850  | 43,150                           |
| 2008 | 17,711  | 0      | 0          | 0       | 14,018                           |

| Year           | Office           | Retail        | Industrial     | Storage        | Misc/Other                       |
|----------------|------------------|---------------|----------------|----------------|----------------------------------|
| 2009           | 0                | 0             | 0              | 0              | 86,477-total<br>(75,226 (hotel)) |
| 2010           | 375              | 0             | 0              | 10,995         | 9,480                            |
| 2011           | 0                | 0             | 167,690        | 0              | 11,799                           |
| 2012           | 137,687          | 0             | 81,019         | 622            | 11,485                           |
| 2013           | 0                | 0             | 0              | 0              | 10,368                           |
| Year           | Office           | Retail        | Industrial     | Storage        | Misc/Other                       |
| 2014           | 0                | 0             | 0              | 0              | 50,877-total<br>(39,854 (hotel)) |
| 2015           | 99,896           | 0             | 0              | 0              | 10,368                           |
| 2016           | 40,155           | 0             | 3,692          | 0              | 14,004                           |
| 2017           | 0                | 0             | 27,346         | 0              | 63,953 (hotel)                   |
| 2018           | 6,296            | 0             | 52,241         | 6,500          | 11,009                           |
| 2019           | 202,774          | 0             | 0              | 0              | 5,343                            |
| 2020           | 9,789            | 0             | 28,690         | 26,766         | 10,604                           |
| 2021           | 0                | 0             | 49,522         | 4,320          | 6,899                            |
|                |                  |               |                |                |                                  |
| <b>Total</b>   | <b>1,877,200</b> | <b>40,852</b> | <b>897,894</b> | <b>753,056</b> | <b>600,562</b>                   |
| <b>Average</b> | <b>85,327</b>    | <b>-</b>      | <b>40,813</b>  | <b>34,229</b>  | <b>27,298</b>                    |

Office uses are prominent in Branchburg. However office growth over the past 5 years has fluctuated. Retail growth has not contributed to the non-residential building trends over the past 20+ years. However industrial and storage uses make up almost half of the non-residential growth. There is an expected growth in multi-family housing over the next 5 years as well as in the non-residential growth sectors of manufacturing, retail and services that support residential uses and uses that support and compliment RVCC.

**3. Identify critical facilities, utilities, roadways, and other infrastructure necessary for evacuation and sustaining quality of life during a natural disaster, to be maintained at all times in an operational state:**

Critical facilities include emergency operation centers (EOC's), fire stations, police stations, hospitals, childcare facilities, senior care facilities, and schools (including schools that serve as the Red Cross shelters). Critical infrastructure and utilities include airports, ferry ports, potable water treatment facilities, wastewater treatment facilities and municipal public work buildings.

Critical facilities in Branchburg include:

- Branchburg Municipal Complex and Police Station and Public Works
- North Branch Volunteer Fire Department
- Branchburg Rescue Squad
- Neshanic Volunteer Fire Company
- Raritan Valley Community College
- Midland School
- Whiton Elementary
- Stony Brook School

- Branchburg Central Middle School

Critical infrastructure and utilities in Branchburg include:

- 8 Wastewater Facilities (pump stations) of which 3 are above BFE
- 3 Potable Water Facilities
- PSEG Electrical Power Substation

Critical evacuation routes:

- US Route 202
- US Route 22

**4. *Analyze the potential impact of natural hazards on relevant components and elements of the master plan:***

The 2011 Land Use Element provides guidance to account for impact of natural hazards with proactive planning to prevent improper development in environmentally sensitive areas. The policies of the Land Use Element are designed to manage future development outside of flood prone areas and promote sustainable development. The policies have been implemented through the Land Development Ordinance.

**5. *Provide strategies and design standards that can reduce or avoid risks associated with natural hazards:***

Branchburg's Master Plan contains recommendations for environmental management strategies and standards. These policies were implemented with zoning requirements that protect sensitive land and water areas and promote sustainable development.

**6. *Include a specific policy statement on the consistency, coordination, and integration of the climate-change-related hazard vulnerability assessment with certain other plans adopted by the municipality.***

Branchburg Township has recognized the importance of local stormwater management on flooding and resiliency in the Township and region. In response, the Township adopted a stormwater ordinance that coincides with the NJDEP model ordinance and state requirements.

The Somerset County Flood Information System (SCFIS) is in place throughout the County, including Branchburg, to provide all township occupants with pertinent information regarding river, stream and other flooding prior to the onset of a possible flood event.

## NJ State Planning Commission

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### Office of Planning Advocacy

## Distribution Warehousing and Goods Movement Guidelines

Policy adopted September 7, 2022

### Acknowledgments:

#### State Planning Commission

##### Public Members

Thomas Wright, *Chair*, President & CEO of Regional Plan Association  
Edward J. McKenna, Jr., *Vice Chair, Principal*, McKenna, Dupont, Stone & Washburne  
Elizabeth Terenik, PP, AICP, Atlantic City Development Corporation  
Stephen Santola, *Executive Vice President/General Counsel*, Woodmont Properties Properties

##### County/Local Government Representatives

Bruce Harris, Chatham Borough  
Shanel Y. Robinson, County Commissioner Director, Somerset County

##### State Agencies

Joseph Fiordaliso, President, Board of Public Utilities  
Diane Gutierrez-Scaccetti, Commissioner, NJ Department of Transportation  
Shawn M. LaTourette, Commissioner, NJ Department of Environmental Protection  
Sheila Oliver, Lieutenant Governor, Commissioner, NJ Department of Community Affairs  
Tahesha Way, Secretary of State, NJ Department of State

##### Executive Branch Representatives

Danielle Esser, Director of Governance and Strategic Initiatives, Economic Development Authority  
Douglas H. Fisher, Secretary of Agriculture, NJ Department of Agriculture

Donna Rendeiro, Executive Director, NJ Office of Planning Advocacy  
Executive Director/Secretary State Planning Commission

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Matthew Blake, P.P., AICP

Senior Planner, NJ Office of Planning Advocacy  
N.J. Planner License No. 33LI00643000

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## Executive Summary

In recent years, industrial-scale warehousing for goods storage and distribution to businesses and retail customers has undergone rapid change with the growth of e-commerce and rising consumer expectations for same-day delivery services. In the past, travel associated with logistics was apportioned to freight, local delivery, and retail traffic, with the “last mile” of fulfillment delivery being a shopper. The age of online shopping (e-commerce) and direct-to-home shipping service has dramatically changed these relationships, particularly with the advent of online retailers and the decline of brick-and-mortar retail. The continuing evolution of logistics industries will have profound implications on the nexus between land use and the intermodal transportation network for years to come. What was once a less conspicuous land use limited to industrial parks in peripheral areas, distribution warehouses have become a much more recognizable feature on the landscape in towns across New Jersey, as logistics companies pursue more and increasingly larger projects.

With its strategic geographic position, skilled workforce, major consumer markets, and robust transportation infrastructure, including freight rail lines, interstate highways, and the Port of New York and New Jersey that serves the entire Northeast, New Jersey is an ideal location for the warehousing and goods movement industries. These industries contribute significant economic activity, jobs, and ratables to the state.

Until recently, most (but not all) of the large warehouse development in New Jersey occurred in places both specifically envisioned and encouraged in the State Development and Redevelopment Plan—in State Smart Growth Areas and associated Centers, Suburban and Metropolitan State Planning Areas. It occurred in urban cores and nodes near major ports and highway interchanges, in designated redevelopment areas, contaminated sites, and Brownfields. It occurred in places where the reuse of previously developed, underutilized, blighted, or otherwise appropriately located land continues to be repurposed, providing many benefits to the hosting community and state, through job creation and returning unused land and stranded assets to the tax rolls in a sustainable manner.

It is also true that logistics industries have particular growth, location, and transportation needs that, unlike residential or other land uses, make them ill-suited to certain locations. Nor can they simply be located anywhere, particularly when options exist to locate them closer to major ports, highway interchanges, and State Smart Growth Areas, where industry-preference and land use compatibility remains the greatest.

According to a 2021 report by Costar, more than 100 warehouses totaling 26.5 million square feet of rentable space are due to be built in New Jersey over the next three years alone. Growth and traffic at New Jersey’s ports (including South Jersey ports in Camden, Paulsboro, and Salem) is growing. For example, at the Port of New York and New Jersey, container volume has increased by 19% since 2016.

It is the intent of the State Development and Redevelopment Plan (the “State Plan”) that the full amount of growth projected for the state, including logistics and warehousing, should be accommodated.

However, with the current vacancy rate for warehouse/industrial space across all of New Jersey at less than 2%, with several key markets under 1% ([Cushman & Wakefield data](#)), and increasing by 30% in each of the last two years, it is clear the market is screaming for more supply in available space. Finding creative ways to accommodate this demand appropriately and cooperatively is of statewide economic importance and something which every municipality, county, State, and regional agency should keep in mind when balancing the following guidelines while also supporting New Jersey's reputation as a logistics state.

According to the [2019 County Business Patterns \(CBP\) report](#), transportation and Warehousing led all business sectors with the largest rate of employment growth with an increase of 7.5% in the United States from 2018 to 2019, according to [U.S. Census Bureau economic statistics](#) released in 2021. Overall, employment in this sector grew from 5.0 million in 2018 to 5.4 million in 2019. In addition, annual payroll in Transportation and Warehousing ([NAICS 48-49](#)) grew 7.9% from \$262.5 billion in 2018 to \$283.2 billion in 2019, and the number of establishments grew 2.2% from 244,800 in 2018 to 250,080 in 2019. Indeed, nearly 12.2% of all jobs located in New Jersey, are in the wholesale trade or transportation and warehousing sectors of the economy, those that are devoted primarily to the storage and distribution of goods. This is the highest share among the 50 states. These sectors together are responsible for 15.7% of New Jersey's total payroll and are the highest in the country.

At the same time, large-scale regional warehousing, can if not properly sited and scaled, result in significant negative impacts, from the intensive consumption of undeveloped land to the degradation of habitat, air and water resources, quality of life, public health, safety, infrastructure, and transportation networks. Traffic tends to be the most obvious impact that affected communities and the public raise concerns about. The hundreds, and sometimes thousands, of daily truck and passenger car trips that logistics warehousing generates, contribute to traffic jams and accidents, and the deterioration of road surfaces, in addition to harmful emissions of air pollutants. Put a large-scale project in the wrong place, and the negative impacts from a single intensive facility can have a significant regional impact.

The public health impacts of warehousing also tend to be concentrated in low-income and minority communities and neighborhoods that already suffer from disproportionate health impacts because of New Jersey's long industrial legacy. For these communities, where residents are already disparately impacted by current and past environmental harms, proposals for new projects that will only worsen public health and safety raise environmental justice implications that clearly warrant a different approach and more immediate attention.

In New Jersey's more rural and less developed areas where open space and farmland preservation efforts have been focused, large warehouse projects are encroaching deeper into remaining unprotected agricultural and forested areas. With only a finite amount of available land near major ports, highway interchanges, and accessible freight rail lines, warehouse development is occurring in outlying locations that have limited infrastructure and capacity to support them, particularly along local roads and related infrastructure that was not designed to handle heavy truck traffic. As large tracts of forested habitat and productive farmland are replaced with intensive warehouse uses, communities may be changed forever. Should such trends in accelerating greenfield development continue unabated, and without adequate

land use parameters to appropriately locate, scale, and design projects, the negative impacts to New Jersey's agricultural and natural land base, and associated communities, have the potential to be dramatic.

Wherever warehouse development happens, benefits and negative impacts will follow that must be carefully balanced and equitably considered. There is no shortage of solutions that are good for communities, the environment, and the economy. Guiding such development effectively will require a whole-of-government approach and commitment to long-range planning with a greater focus on the nexus between local and regional land use and transportation planning.

As land-use planning and development review occur predominantly at the local level in New Jersey, it is important to provide local governments with the technical resources and guidance necessary to assist them in developing land use plans, zoning, and project review procedures based on sound planning, information, and practice. Local development decisions should also be made in the context of a statewide plan and policy that balances competing needs – including protecting important resources and impacted communities, ensuring economic growth and viability, and meeting industry needs across labor, workforce safety, infrastructure, employee transit, and market needs.

To that end, the New Jersey State Planning Commission offers the following considerations and guidance in accordance with N.J.S.A. 52:18A-196 and 199, to facilitate greater cooperation and coordination among local governments, their counties, and their regions. The State Plan's Statewide Policies provide the principal source of this guidance and are reflected in each of the following sections.

The State Plan, including its State Plan Policy Map, is used to guide municipal, county, and regional planning, state agency functional planning, and public and private infrastructure investment decisions in a fair and equitable manner. While the State Planning Commission ("the Commission") does not possess regulatory authority over land use and zoning, when municipal, county and regional plans are updated, they should be modified to reflect compatibility or consistency with of the State Plan.

The guidance aims to:

- Facilitate a proactive, rather than a reactive, approach; and
- Provide municipal factors to consider and balance when developing or updating a Master Plan and reviewing applications, land use, and development requirements; and
- Encourage a regional approach to planning, siting, and facilitating the logistics facilities.

These guidance documents and policy statements therein, describe how municipalities can achieve these aims across eleven related areas of focus. Each area of focus identifies a related State Plan Policy that provides a basis for inclusion. Local governing bodies and planners can utilize some or all of these areas holistically to address the challenges they face. The detailed guidance documents consider:

- Types of Warehouses
- Municipal Considerations
- The Role of Redevelopment and Brownfields

- Public Health and Overburdened Communities
- Transportation, Traffic, and Road Safety
- Sustainable Design
- Mitigation Best Practices
- Community Involvement and Public Engagement
- Taking a Regional Approach
- Special Resource Area Considerations
- The Role of State Agencies

The Commission encourages the use of this guidance holistically to provide a balanced approach to warehouse siting that considers environmental and economic sustainability and benefits and public health. As technology advances, the recommendations included herein may become outdated or even obsolete. Warehouse developers are encouraged to take every opportunity to implement newer, cleaner technologies and methodologies as they become available, even if not specified in these guidance documents. Municipalities are likewise encouraged to plan and zone for the future, not just their current situation or the proposal before them. In all cases, municipal and county authorities should consult with their land use attorneys before enacting or amending land use, planning, and zoning regulations.

## Types of Warehouses

Warehouse development comes in many shapes and sizes, each serving a specific role depending on the nature of the operations, and constraints of the supply chains they are supporting. Zoning should evolve to keep up with the changing variety of uses and trends (including definitions) as the differences could mean dramatically different impacts and outcomes, and whether a project is compatible with a site and beneficial to a community. Land use regulations should not simply lump “general industrial” or “warehouse” together, as different types can be profoundly different, entailing different impacts, which warrant greater specificity as to appropriate siting and design standards where permitted.

As such, it has never been more important that municipalities update and refine their planning and zoning regulations to differentiate among warehouse use types. This will ensure that local reviewing boards are equipped to adequately assess the extent to which a community’s transportation network and land uses can handle the proposed level of intensity, traffic, and resultant impacts. Other impacts that can be assessed include infrastructure such as water, sewer, and municipal services (e.g., emergency services), which have the sustained capacity to meet demand over the lifetime of the project. For our purposes, the guidance largely focuses on various types of warehouse distribution facilities, their scale and intensity, and municipal, county, and regional considerations therein.

According to the [Geography of Transport Systems, 5<sup>th</sup> Edition](#), warehouse distribution centers are a type of freight movement (e.g., logistics) facility that includes manufacturing, container and bulk terminals, and traditional warehouse storage facilities. A traditional warehouse is used for storing goods and materials in inventory for extended periods of time and releasing them on demand. They include multitenant facilities that are usually rented through short to medium-term leases.

The main difference between traditional and distribution warehouse functions relates to the time the inventory spends within a facility. The latter see much greater product loading and unloading flow velocity (usually less than a few days), especially at fulfillment centers, which deliver goods direct to customers within less than 48 hours in high throughput facilities. Warehouses may also include office, employee welfare, maintenance areas, as well as light manufacturing in the form of packaging, labeling, assembly, and returns, more typical of distribution functions. However, the space provided for these uses can be highly variable but is typically an insignificant portion of the overall building square footage.

Following recent updates to its [Trip Generation Manual, 11th Edition Supplement](#), the [Institute of Traffic Engineers](#) (ITE) now lists six different categories of warehousing designations. For simplicity, these can be aggregated into three main types of distribution and fulfillment warehouses that are associated with today's e-commerce landscape and logistics (i.e., freight) infrastructure. Each is situated in a strategic location and carries out a somewhat distinct activity. They include

- Distribution facilities
- Fulfillment centers, and
- Last-mile fulfillment facilities or stations.

Keep in mind that this and other guidance is highly variable for specific types of warehousing uses as industry definitions, warehouse uses, and technology are constantly evolving and changing. There can be substantive variability within a single warehousing development based on type, intensity, and the potential for misclassification. In addition, some warehouse developments may have multiple warehousing use types within a single building or site. From the standpoint of a warehouse distribution center/facility's size, the following may be used:

- **Major Distribution center** – large-scale regional and/or interstate distribution facility having a minimum gross floor area from 500,000 to more than 1.5 million square feet.
- **Large Fulfillment center** – a large format regional fulfillment facility having a minimum gross floor area from 150,000 to more than 500,000 square feet. In this category, a medium-sized fulfillment center would average between 250,000 to 350,000 square feet.
- **Last-mile Fulfillment center** – a smaller local or area fulfillment center/facility or station that primarily serves local markets (roughly the same function as retail shopping centers) having a minimum gross floor area from 50,000 to more than 150,000 square feet. This category could include micro/small fulfillment centers of 3,000 to more than 25,000 square feet.

**Warehouse distribution centers/facilities may be further characterized by the following attributes:**

**Major Distribution Centers** tend to ship from wholesale or manufacturer, to businesses, or to fulfillment centers, and typically do not deliver to end-users (i.e., retailers and external customers). Distribution centers are typically larger than fulfillment centers, are located away from major consumer markets (population centers) and are a complex transit hub for large quantities of bulk goods that generally do not require finishing or individual packing, as they are temporarily stored on pallets before being shipped.

- When items arrive at a port, they go to a break-bulk facility where massive quantities are broken down into smaller clusters for transport to regional locations at fulfillment centers.
- Generally located in or near the largest industrial markets and seaports across the U.S., such as Newark, NJ.
- Often aggregated at massive industrial sites with hundreds of warehouses close to major multi-modal hubs that can include shipping lines, rail lines, and extensive highway networks.
- Can be located an hour to 90 minutes away (i.e., within a 75-mile radius) from the port (e.g., Lehigh Valley along Rt. 78) and still be completely functional for the tenants.
- Access to regional rail and highway networks is key for these larger facilities, since their customers are usually other, smaller fulfillment centers.
- Performs transloading functions (aka. cross docking), whereby the consolidation, transferring and distribution of pallets, equipment, and other shipments are made between locations using more than one mode of transportation for manufacturers, wholesalers, or retailers.
- Includes cross-docking functions, whereby palletized freight (goods and materials) is moved across the distribution center to another truck to complete the rest of its journey. Characterized as having little or no storage function due to the perishable nature of many goods being shipped, such as food (including refrigeration and heated)
- Includes fabrication functions (e.g., sorting and packaging before final delivery).
- Includes break-bulk functions, whereby items that are shipped in bulk (e.g., unpackaged state) are divided into units for further shipment (i.e., palletized or completely broken down) so that a retailer, business, or fulfillment center can receive a smaller quantity to their exact specifications. Structures typically from 500,000 to more than 1.5 million square feet.
- Average clear building height is between 32 and 35 feet. According to the Commercial Real Estate Development Association (NAIOP), in newly constructed structures larger than 300,000 square feet, 32 feet clear is typical. In mega-sized distribution buildings, 36 feet is common, with clear heights rising past 40 feet in some cases.

**Large Fulfillment Centers** are a type of distribution center often solely dedicated to e-commerce supply chains that pick and pack incoming orders (i.e., items/parcels) from shelves for individual delivery in order to “fulfill” individual online orders. They are short-term storage-based (holding a very high range of goods) but also rely on a high level of throughput. Typically, smaller than distribution centers and focus on quickly delivering goods to individual customers. They typically receive, pick, pack, kit, label, and deliver products to people’s doorstep in delivery vans. They are situated closer to consumer markets so individual items can be delivered quickly to people’s doorsteps.

- Typically located on the outskirts of major metro areas in regional locations, items can either be stored or sent directly to consumers.
- In major metropolitan areas, items stored in regional warehouses are typically sent to last-mile facilities, which are located close to consumer homes, enabling fast delivery to customers.
- There is a diverse user base for mid-size buildings, ranging from middle-mile support for national users to regional or local businesses serving local customers.
- Includes cross-docking functions, whereby palletized freight is moved across the distribution center to another truck to complete the rest of its journey. Characterized as having little or no storage function due to the perishable nature of many goods being shipped, such as food (including refrigeration and heated)

- Includes fabrication functions (e.g., sorting and packaging before final delivery).
- Includes cold storage and refrigeration functions, including [large scale grocery cold chain distribution](#), whereby outbound loads are customized shipments bound to specific grocery stores. These deliveries are usually regional in scope, which corresponds to the market area of the distribution center.
- Includes break-bulk functions, whereby palletized freight or boxed goods are completely broken down so that a customer can receive a smaller quantity to their exact specifications.
- Includes high-cube automated fulfillment centers and associated facilities as described below.
- Structures typically from 150,000 to 500,000 sq. ft., with an average clear building height between 32 and 35 feet.

**Last-mile Fulfillment Centers (or stations)** are smaller fulfillment facilities serving the final leg of delivery rather than a literal measurement of distance. They serve either consumers, individual households (for online shopping), or the retail stores they shop at (for traditional retail).

- Typically located in urban and suburban infill areas.
- Primarily serve local markets with roughly the same function as retail shopping centers
- Locational impetus is to be near those customers, which can result in delivery vans/trucks traveling over local streets.
- Last mile delivery hubs may be smaller compared to distribution centers, but truck and van trips are high, as are the parking requirements necessary to accommodate hundreds of employees, delivery vans, and trucks, and require a larger parking lot (impervious surface) footprint than other warehouse operations.
- Higher sprinter van and truck trips warrant more direct access to the interstates and truck networks.
- Structures typically from 50,000 to more than 150,000 square feet.
- Includes micro-fulfillment centers (i.e., small fulfillment centers) with a footprint between 3,000 and 25,000 sq. ft., that are typically highly automated, run on a very small staff, and cater to the area they are in. Sometimes occupy sections of retail stores that handle last-mile fulfillment and delivery of products to customers.

### **High Cube and automated warehousing – an emerging trend in distribution**

As available and ideally situated land in strategic locations becomes scarcer and more expensive to meet demand, distribution companies are increasingly embracing emerging technologies to move and store goods more efficiently. As a result, warehouse distribution facilities are changing to adapt to automation and reduction in available space by reducing footprints and modifying layouts and designs. These changes have taken the form of high cube and automated warehousing (HCW), which are differentiated from traditional warehouses because of their height.

In contrast with the scale of more traditionally designed warehouses and distribution centers seen in both Pennsylvania and New Jersey over the past decade, HCW construction is literally taking the industry to new heights, with some built as high as 180 feet tall nationwide. Instead of the standard model of storing goods on one ground floor, nearly all the space within a HCW is dedicated to the rapid storage

and removal of goods. HCW's are highly automated, with sophisticated racking and forklift retrieval systems designed to reduce human labor while dramatically increasing vertical storage capacity (i.e., project density), loading, and unloading speeds. The resultant efficiencies translate to more trucks moving a much greater number of products onto roadways.

- A HCW Distribution Center is typically a very large shell building commonly constructed using steel framed and/or other concrete tilt-up techniques with a minimum gross floor area of 200,000 square feet, a ceiling height of 32 feet or more (can be as high as 10-to-14 stories in height), a minimum dock-door ratio of 1 door per 10,000 square feet.
- Primarily used for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses. It has a high level of on-site automation and logistics management, which enable highly efficient processing of goods.
- Characterized by a small employment count due to a high level of automation, and truck activities frequently outside of the peak hour of the adjacent street system.
- Related types of HCW's include high-cube transload and short-term storage warehouses, high-cube parcel hub warehouses, and high-cube cold storage warehouses.
- A short-term HCW is a distribution facility often with custom/special features built into the structure for the movement of large volumes of freight with only short-term storage of products.
- High-cube parcel (i.e., fulfillment) hub warehouses typically serve as a regional and local freight-forwarder facility for time sensitive shipments via airfreight and ground carriers, while high-cube cold storage warehouses entail substantial temperature-controlled environments for frozen food and other perishable products such as bulk raw produce. A typical 1-million-square-foot warehouse has an average daily traffic rate of 1,740 trips, whereas a HCW of the same floor area has 8,180 vehicle trips per day — nearly 5 times as much.
- Whereas a typical large warehouse may have a building footprint between 150,000-to-500,000-square feet with a 40-foot ceiling height (shorter than an average 3-story home), a high cube warehouse can be 10-to-14 stories (a story generally being 14 feet) – potentially four times the height of a typical warehouse. Therefore, square footage may not be the best predictor of traffic generation. Source: Lehigh Valley Planning Commission: Community Guide: High Cube & Automated Warehousing

While HCW building design has the potential to reduce unwanted land consumption (if only at the site-specific level) and provide greater opportunities for a reduced carbon footprint and the retention of existing green infrastructure and habitat, the success of any strategy using density to reduce a specific uses' overall footprint, ultimately depends on the broader land-use policies in place. While HCW design offers a compelling opportunity to consume less land, municipal officials and planners should weigh the project-specific benefits against the potential for significant adverse impacts on community character, viewsheds, air quality, health, safety, and the transportation network.

In addition to concerns for heavy truck traffic that higher product volume capacities can generate, height will also present challenges for emergency services personnel who will need special training and expensive equipment. This is particularly concerning in instances where high cube towers are proposed in suburban and rural areas where police, fire, ambulance, and emergency medical services may be limited, underfunded, or volunteer-based agencies not equipped to respond to a multi-story emergency. The height of the structure, the construction materials used, and what is stored in the warehouse are

critical to ensuring that workers are safe and that emergency services can adequately respond safely. At the same time, accommodating such facilities in appropriate industrial locations with similarly sized building heights, or where offsetting elevation changes exist in the immediate landscape, in tandem with direct highway access, can mitigate impacts and conflicts, while providing an appropriate fit for a locally desired project or land use that might not otherwise work in other locations.

When reviewing projects that may be above three stories in height, the consideration for these services becomes especially critical. Larger, taller, and high-powered (potential electrical, hazardous materials risks) automated facilities can pose serious risks to the community and emergency personnel and should not be permitted unless it can be demonstrated that there are adequately trained and equipped personnel and services to respond to emergency situations. Emergency services impact statements should be required in the form of a questionnaire for applicants to submit as part of the site plan review process. Likewise, establishing a municipal public safety or emergency services committee, including review by the local OEM, fire, and police departments, should be considered to facilitate enhanced communication and coordination between emergency response organizations affected by a development proposal.

Highly automated facilities can be expected to have substantial impacts on the local and regional workforce as robotics technology and trends towards its application in new and retrofitted facilities continue to expand, municipalities should carefully assess potential employment impacts (e.g., more high-tech jobs) from HCW proposals. Given these special needs and concerns, HCW uses above 150,000 gross square feet may be more appropriate where permitted a conditional use in tandem with permitted uses that otherwise limit building height and size among other standards utilized to limit the scale and intensity of uses.

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*Conduct Master Plan Reexaminations and update relevant land use, zoning, land development and redevelopment plans, policies, and programs to ensure that they clearly define and reflect various warehouse typologies, including new sub-categories of industrial development. Zoning should ensure that projects are appropriately located, scaled, and designed to mitigate and avoid conflicts with surrounding uses, infrastructure, resources, sensitive receptors and adjacent municipalities, particularly overburdened communities.*

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## **Municipal Considerations**

At the local level, where the Municipal Land Use Law (MLUL) grants towns the power to enact a master plan to set land-use priorities and direction, as well as adopt a zoning ordinance to dictate where and in what form and size various types of development should happen. Municipalities are entrusted with the responsibility to ensure that uses like warehousing are developed properly so that they can contribute to the economy and consumer welfare without harming local communities and the environment.

## Update Master Plan and Zoning first

Warehouse development comes in many shapes and sizes, and zoning should evolve to keep up with the changing variety of uses and trends. These differences could mean dramatically different impacts and outcomes, and whether a project is compatible with a site and beneficial to a community. Land use

regulations should not simply lump “general industrial” or “warehouse” together, as they can be profoundly different, entailing different impacts, which warrant greater specificity as to appropriate siting and design standards where permitted. As such, it has never been more important that municipalities update and refine their planning, zoning, and development regulations to differentiate among warehouse use types. This will ensure that local reviewing boards are equipped to adequately assess the extent to which a community’s transportation network and land uses can handle the proposed traffic and resultant impacts, or whether other infrastructure such as water, sewer, and municipal services, can meet demand.

Many towns in New Jersey are finding that their communities are particularly vulnerable to poorly sited and scaled warehousing projects because they zoned large areas of their community, particularly farmland in rural areas, for broadly applied “light industrial” uses without consideration or limitation on the size and intensity of today’s distribution warehouses. As a result, many land-use plans and zoning ordinances may be inadequate in their present form, to address the pace and scale of new warehousing proposals and their impacts on neighborhoods, local roads, adjacent communities, and finite resources.

Indeed, much of the current outcry from residents in municipalities reviewing and approving warehouse proposals that they are unhappy with are cases where the projects largely conform to local zoning standards. Given the scale and intensity of new and emerging warehousing trends and building types, zoning that simply permits generic warehousing may not be sufficient to address the different types of warehousing uses, nor to give a municipality the performance standards it needs to adequately review an application or require developers to properly minimize and mitigate impacts.

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*Mitigate and avoid conflicts with other uses, sensitive populations and receptors by locating large warehouses away from residential areas/neighborhoods, downtown commercial/retail areas and main streets, schools, daycare centers, places of worship, hospitals, overburdened communities, scenic corridors and historic districts, important public and civic outdoor spaces, and recreational facilities.*

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To systematically address warehouse development, communities should proactively plan for warehouse projects to prevent land-use conflicts that harm residents, other communities, and the environment before they materialize, and guide sustainable development. Proactive planning ensures long-term benefits and provides a predictable business environment, with consistent expectations for developers

and residents alike. At a minimum, communities should conduct a Master Plan reexamination and update their zoning ordinances, relevant redevelopment plans, and land development policies. In this way, local governing bodies can ensure that they clearly define and distinguish between more traditional industrial-commercial uses and a variety of warehouse types. These uses can range from the smaller last-mile delivery facilities (50,000 and 150,000 sq. ft.) with limited truck trailer traffic to largescale distribution centers and high cube warehouses that generate much greater levels of heavy truck traffic that are mobile sources of air pollution.

Zoning districts should likewise be appropriately scaled to match the type and intensity of land use in surrounding areas to minimize and avoid on-and-offsite impacts and offer the best outcome for all communities, including sensitive receptors such as schools, daycare centers, recreational parks, and places of worship, hospitals, and overburdened communities. While municipalities are understandably attracted to the tax revenue that comes from warehouses, it is imperative that as part of both the planning and development review process they analyze the potential for wider regional impacts, particularly to adjacent and nearby communities be adequately examined and addressed, so that impacts are not unfairly placed on other municipalities and their residents.

Municipalities seeing greater pressure for larger (above 150,000 sq. ft. of gross floor area) and/or multiple projects should consider undertaking comprehensive updates to their Master Plans and associated land use and circulation elements, with particular emphasis on appropriately accommodating warehousing and goods movement where it makes sense. Additionally, implementing a Complete & Green Streets Policy in areas where delivery trucks and vans will interact with passenger vehicles, pedestrians and bicyclists should be considered. Planners should examine opportunities and constraints; consider infrastructure needs, existing deficiencies, and capacity (e.g., water/sewer, truck parking and services, transportation facilities, levels of service, and access tolerance). This will ensure that permitted uses are compatible with planning goals (e.g., public health, safety, climate resilience, environmental justice, etc.) of the community, of adjacent communities, and the county, regional, and state plans.

These efforts should also be informed by local and regional transportation plans and corridor studies undertaken and coordinated early in the planning process by municipalities, and their county, regional, and metropolitan planning partners. Proactive transportation planning will support zoning changes that will avoid and mitigate adverse impacts and restrict warehouse development and intensity (e.g., impervious surface, height, building footprint, and amount of semi-truck parking) where necessary.

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near other sensitive receptors expose community residents and visitors to the air pollution, noise, traffic congestion, and other environmental impacts they generate. Even a warehouse located in an otherwise ideal location can result in substantial detriment to the transportation network if its intensity is completely out of scale and incompatible with roadway capacity and associated infrastructure. Once a property is zoned for warehousing, a local land use board has little authority to deny a compliant application based on off-site conditions such as traffic. Likewise, unless a project is accessed by a State roadway, the New Jersey Department of Transportation has little authority to review it. Finally, in reviewing existing zoning districts, municipalities should consider zoning to support manufacturing or a mix of compatible activities, as this type of space might create better-paying jobs than warehousing spaces.

## Areawide Siting Considerations

Local zoning should exclude large warehouse development in areas located outside of State-approved sewer service areas, or other areas lacking the appropriately scaled infrastructure, transportation systems, emergency, or other municipal services necessary to sustain the costs, and maintenance, or improvements that such projects will entail over their lifetime. Unless appropriate regional highway or freight rail infrastructure and access are in immediate proximity, larger warehouse development should be excluded outside of State-designated Smart Growth Areas, Centers, and Nodes, and sewer service areas, particularly in Rural Planning Area (PA-4) and Environmentally Sensitive Planning Areas (PA-4B, 5 and 5B).

Warehouse-related zoning should likewise exclude areas and/or avoid sites comprising State-regulated areas, including, flood hazard areas, freshwater wetlands, riparian zones, transition areas, steep slopes, and threatened and endangered species habitats as identified under NJDEP's Landscape Project. In addition, areas and sites targeted for preservation under local, county, regional, or state programs and plans (including Agricultural Development Areas), should also be avoided.

In all cases, zoning should only permit major largescale facilities (above 500,000 square feet of impervious surface), where there is direct access to interstate and major highways (of adequate capacity) and/or freight rail lines, preferably from industrial zoning districts. Large regional distribution facilities should not be mixed with other land uses due to the vast scale and intensive nature of their activities. Warehouse development, especially larger projects, should not occur outside State-approved sewer service areas, or other areas lacking the appropriately scaled infrastructure, transportation systems, emergency, or other municipal services necessary to sustain the costs, and maintenance, or improvements that such projects will entail over their lifetime.

Smaller facilities, such as last mile stations (e.g., those using a preponderance of smaller delivery vans) under 150,000 sq. ft. in gross floor area that primarily serve local markets, may be appropriate in Fringe Planning Areas (PA-3), and Centers and Nodes located within Rural and Environmentally Sensitive (PA 4B and 5) Planning Areas, and overburdened communities, Urban Cores and Clusters where adequate infrastructure and transportation, including proximity to a regional/major highway network, ports, rail yards, and other key intermodal transportation facilities and more immediate access exists.

In addition, accommodation should be made for customers in more rural and less suburban areas, where smaller last-mile facilities may be needed to address the final leg of the delivery system or for purposes of cold storage, and generally involve less noxious equipment, comprising a greater proportion of delivery vans than tractor-trailers. It should be noted that last-mile facilities, can, however, still generate high levels of traffic, and should be located in State-designated Centers, Cores, Nodes, Redevelopment Areas, and other formerly developed and underutilized sites, proximate to appropriately scaled interchanges, highways (including along highways), and other transportation infrastructure. In addition, some rural communities may contain abandoned manufacturing, and resource extraction sites (e.g., quarries) where warehouse uses may be a realistic and appropriate choice for local economic development.

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*Should be organized in a compact form and located in State-designated Smart Growth Areas, Centers, Nodes, State-approved sewer service areas, and other appropriate areas proximate to regional highway network and rail lines/yards access in Metropolitan, Suburban or Fringe Planning Areas.*

*Exclude, adequately buffer, and protect areas and/or avoid sites comprising a prevalence of State-regulated areas and natural resources of local, regional, and state significance, including aquatic resources, flood hazard areas, freshwater wetlands, riparian zones, transition areas, steep slopes, and threatened and endangered species habitats as identified under NJDEP's Landscape Project.*

*Areas and sites identified for preservation and/or protection under local, county, regional, or state programs and plans, including any portion of land or site within a designated Agricultural Development Area, should be excluded from warehouse development. Larger properties (e.g., 10 or more acres) comprising a prevalence of Primary Soils should likewise be avoided.*

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## **Other planning and zoning tools**

### **Impact Analysis**

Subdivision and land development ordinances should include requirements for impact studies so communities can make more informed decisions on warehouse proposals and to help ensure that residents and neighboring communities do not bear the brunt of costs and adverse impacts associated with the proposed development. An analysis of project impacts should consider land use, traffic, truck and employee routes, the transportation network, supporting infrastructure (e.g., water supply and sewer capacity), wetlands, flood plains, riparian lands, stormwater drainage, habitats, site remediation, cultural and historic resources, proximity/buffers to residential dwellings, as well as economic and employment factors and potential effects on public and emergency services and facilities, local businesses, workforce, residents, and overburdened communities. The analysis must also assess the proposed development for consistency with local and regional master plans.

### **Cost-Benefit Analysis**

In addition to required impact studies, towns should request or conduct their own cost-benefit analysis to weigh projected revenues against costs (e.g., municipal services) and impacts, including wages, benefits, and employment demand. Asking these important questions will help ensure that a community doesn't mistakenly focus on projected job creation, wages, and tax revenue, without fully understanding whether such benefits justify the potential costs in terms of providing and maintaining municipal services, facilities, infrastructure, local businesses, and potential loss of value in surrounding real estate, diminished community character, quality of life, public health and safety over the construction and lifetime of the project. Subdivision and land development ordinances should likewise be amended to

include standards that consider the equipment and capital needs of emergency service operations, including the participation of such personnel in the application review process. Finally, towns should consult with their land use attorney to ensure that they are not requiring excessive reports.

### **Special Exceptions and Conditional Uses**

Large-scale distribution warehouses are not benign uses and can have substantial health, air quality, noise, traffic, and inequitable impacts based on their intensity and siting. Rather than allowing uses that are more intensive by right as part of the local land-use regulations, municipalities can exert greater control over the site plan review process by permitting them as special exceptions and conditional uses. This may provide better outcomes, particularly for large warehouse projects (e.g., above 150,000 sq. ft. of gross floor area and/or above 32 feet in height), particularly major structures (e.g., above 250,000 sq. ft., including high cube buildings). Usually reserved for those land uses that are almost certain to have a significant impact on the zoning district or the community and region as a whole, special exception areas and conditional uses are for those uses that warrant additional safeguards, such as landfills, telecommunications towers, asphalt plants, and quarries.

For example, under Conditional Use, an applicant could be required to meet certain criteria regarding design, bulk, or circulation standards. Municipalities must take care, however, to ensure the zoning ordinance provision for conditional uses satisfies the State law and requires that the standards be specific and clear enough that applicants for conditional use permits know the “limit and extent” of the conditions, as some local ordinances with vague generalities have been declared invalid.

### **Overlay Zones**

Municipalities can explore enacting an overlay zoning district, which applies an alternate land development scenario and criteria to all areas within a defined overlay boundary, regardless of the underlying base zone. Overlay zoning provides the ability to apply a unique set of standards, tailored to a specified area without having to amend all other relevant sections of the code, or to negotiate additional measures on a project-by-project basis that would not otherwise be applicable or needed outside of the overlay zone. Similar to a redevelopment plan, overlay zoning allows existing zoning regulations to be superseded or complemented to solve a known problem, or to meet specific community goals.

Overlay zones are often used to protect special features within the defined area, such as cultural and natural resources, wetlands, steep slopes, flood hazard areas, beaches, etc. They can also be used to promote specific or anticipated development, such as warehouse developments while restricting or limiting polluting activities, development density, and intensity. Other potential standards or regulations in an overlay zone may include setbacks (building and vegetation buffers), lot sizes, building height and footprint, impervious surface reduction, enhanced standards or performance measures for landscaping, stormwater and green infrastructure, façade, green building, and resilience measures such as flood-proofing to high water levels, and greater setbacks and management along scenic roads, driveways, or highway access along a commercial corridor. Overlay zones should be used with caution and empirical conditions should be documented in the Master Plan as quickly as possible after adoption to justify and support the overlay zone.

## Redevelopment & Brownfields

### Continue to redevelop formerly developed sites

Utilizing data from the Department of Environmental Protection's [Land Use/Land Cover mapping project](#), and a [value-added analysis](#) by researchers at Rowan and Rutgers Universities, a municipality can significantly reduce land consumption. According to assessments of [2015 land use/land cover data from the Department of Environmental Protection](#), since the Great Recession, most of New Jersey's population growth and development has been occurring in State Smart Growth Areas, Centers, Metropolitan and Suburban Planning Areas, easing pressure on New Jersey's remaining undeveloped and unprotected land. This and other information, such as the results from the 2020 census data, indicate very positive vital signs about the resurgence and livability of the State's older cities and state-designated growth areas. Such trends are to be celebrated and further encouraged through continued redevelopment efforts and the use of the tools that make it possible.

The New Jersey Local Redevelopment and Housing Law (Redevelopment Statute or LRHL), [NJSA 40A:12A-1 et seq.](#), gives municipalities access to powerful tools that are proven agents in making redevelopment projects happen. Designed to revitalize distressed urban areas and avert sprawl by incentivizing the redevelopment of blighted, abandoned, or underutilized sites such as Brownfields that suffer from real or perceived contamination, the Redevelopment Statute provides a variety of tools that empower municipalities to be active partners in the redevelopment process. They include the ability to choose and designate redevelopers, negotiate, and execute redevelopment agreements (e.g., to remediate contaminated sites, incorporate environmental protection, climate, energy, and stormwater mitigation measures, guarantee specific infrastructure and capital improvements, public amenities, etc.). Redevelopment Agreements can provide incentives in return for certain public improvements, negotiate payments in lieu of taxes agreements (PILOTs), and issue bonds secured by project revenues to finance project components or other infrastructure improvements (e.g., offsite roadway infrastructure needs/upgrades), as well as negotiate the sale of public property without bidding, and exercise the powers of condemnation to acquire property.

Equally important is that the Statute removes certain constraints under the MLUL, allowing greater control over performance standards (such as those to minimize and mitigate public and environmental impacts), including a much higher level of specificity concerning site/architectural design (e.g., rooftop/parking canopy solar, EV charging infrastructure green infrastructure), physical planning, and necessary transportation infrastructure improvements. If the primary issue concerning warehouses is the impacts of the development, truck traffic, and associated mobile sources of air pollution on the community, then the powers enabled under the LRHL should be focused on addressing those concerns. For example, the tax and land use incentives made available under the LRHL could be applied as financial feasibility offset against such pollution control requirements as mandating the use of electric trucks consistent with meeting DEP's goals under the ACT Rule.

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*Promote warehouse development through the redevelopment of former industrial sites, Brownfields, and landfills to help facilitate remediation and clean-up of abandoned, blighted, or underutilized properties, and to revitalize distressed urban areas. In all cases, redevelopment activities should seek to mitigate and avoid creating additional burden, while working to correct past harm and provide lasting and meaningful benefits, particularly in overburdened communities.*

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### **Design standards under the Local Redevelopment and Housing Law**

The Redevelopment Statute provides for greater specificity in planning and design, giving municipalities greater control of a designated area than under traditional planning and zoning techniques. Redeveloper agreements, abatements, PILOTs, and other developer incentives can be utilized to achieve enhanced performance standards, Master Plan goals, and objectives of interest to the community and region. Examples of sustainability standards could include enhanced energy efficiency and greenhouse gas reduction measures, use of ‘green’ (e.g., LEED-certified) building design, and materials used. Other examples include requiring solar on roofs and parking lots and for powering the building’s operation, electric vehicle charging stations to encourage electrical hookups for truck parking areas, including for refrigeration trailer units, which will minimize impacts from diesel-run units on neighboring areas, and air quality.

Other enhancements could include onsite public amenities such as completing a planned segment of a dedicated bike path, trailhead public access point or linkage, enhanced habitat buffering, and green infrastructure. Consideration should also include the use of rain gardens and the protection of onsite habitat to buffer any waterways, wetlands, and associated flood hazard areas. Such measures also increase asset value and decrease operational costs through energy, water, maintenance, and waste savings, while making better neighbors. PILOT agreements should only be considered for warehousing if they go “above and beyond” existing local performance standards and requirements. While the trend

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*Proactively work to identify well-suited locations and opportunities to accommodate appropriately-scaled warehouse development, while continuing to facilitate the trend in redevelopment and infill, with consideration given to the condition and adequacy of existing infrastructure and roadway capacity. While redevelopment is to be strongly encouraged, it is, however, not appropriate to designate large tracts of undeveloped, non-blighted, productive farmland and forested sites (particularly outside of State Smart Growth Areas), for redevelopment or rehabilitation.*

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in redevelopment is to be strongly encouraged, it is, however, not appropriate to designate large tracts of undeveloped, non-blighted, productive farmland and forested sites (particularly outside of State Smart Growth Areas), for redevelopment or rehabilitation. Local officials, land planners, and developers should be mindful that the Redevelopment Statute provides the Commissioner of the NJ Department of Community Affairs (DCA) with the authority to reject a local redevelopment designation in instances where criteria specified in the LRHL are not met. At the same time, there may be instances where it may be appropriate to create industrial parks (e.g., regional industrial nodes) on non-blighted open lands within State-designated sewer service areas, Centers, and other recognized and approved growth areas with ready access to major highways and other important infrastructure, but without the use of Redevelopment Statute.

### **Develop where infrastructure capacity exists to support it**

Encouraging development that utilizes existing infrastructure is a major tenet of smart growth. It makes the most of investments already made in rail, roads, bridges, and underground infrastructure (sewer, water, natural gas) while strengthening local tax bases and protecting open space and resources like farmland that can't be replaced. Before taking on new infrastructure obligations, decision-makers should strive to ensure a better return on existing public and private investments. As prime locations within more developed areas or near highway access continue to be developed, it is increasingly important that various levels of government work to proactively identify well-suited locations and opportunities to accommodate appropriately- scaled warehouse development, while continuing to facilitate the trend in redevelopment and infill. Consideration should be given to the condition and adequacy of existing infrastructure and roadway capacity. For example, not all roads are the same, and local and county roads are generally not built to handle heavy truck traffic, especially large volumes.

All levels of government should also continue to promote warehouse development, where appropriate, at former industrial sites, Brownfields, and landfills to help facilitate remediation and cleanup of abandoned or underutilized properties. This not only helps address existing negative impacts and environmental harm but also provides economic and employment benefits, particularly in communities of high unemployment. Many of the known former contaminated sites and abandoned landfills are proximate to both the Delaware River Ports and the NY/NJ Harbor complex, including sites with direct access to freight rail. The use of redevelopment agreements and PILOTs also offer powerful incentives to encourage such uses where they make the most sense while affording opportunities for towns and redevelopers to collaborate on making infrastructure and other improvements that can minimize and mitigate impacts. At the same time, not all Brownfield sites are suitable for excavation and warehouse operations due to the type of contamination present (e.g., VOC seepage through the flooring), the impact that dust and site disturbance might have on the neighborhood, and more.

## **Manner of development**

In addition to considering different warehouse development types, their density, and potential impacts on quality of life, public health, and safety, local decision-makers should become familiar with the manner and context in which they emerge and their interplay with zoning, subdivision, building codes, and other regulations. In redevelopment, the degree of municipal control depends on the scale and extent to which a structure and/or site is redeveloped, and whether the project is governed by the Redevelopment Statute and undertaken in accordance with a redevelopment plan and redeveloper agreement adopted by a municipality. While zoning and building codes are controlling in all cases, local development and site plan standards may differ for minor projects of varying sizes.

For building retrofits, the subdivision and land development ordinance are generally not applicable where there are no proposed changes to the existing use, structure, or site, and any changes are largely internal and without any volume changes. However, if traffic, energy use, or the volume of products stored will substantially increase and/or change, then emergency response needs may change, which may justify their being treated differently and more like a new development proposal by local government. Where retrofits only require a building permit or zoning permit for a use change, municipalities should, at a minimum, consider the implementation of assessment forms with required applications to collect such information as changes in employee and product volumes, utility usage, traffic generation, fleet size and fuel types, energy source (for heating/electricity), etc., for future transitional planning. This information will give the municipality the ability to anticipate and plan for shifts in services.

## **Use of underutilized land in developed areas**

In addition to accommodating warehouse demand through the redevelopment of existing warehouse facilities, Brownfields, and contaminated sites, it is important to identify the needs of smaller distribution facilities like the “last mile” delivery stations that have been opening throughout the state. These smaller facilities or stations can range between 75,000 and 150,000 square feet (three stories or less) and serve the unceasing demand for e-commerce as it becomes more decentralized and is located in smaller geographic areas closer to the customer base. They could in some instances, be ideally suited in developed areas on land formerly occupied by obsolete office buildings, movie complexes, shuttered malls, brick-and-mortar retail centers, and other stranded assets that are no longer economically viable. Many such sites can be found in both rural and suburban Commercial-Manufacturing Nodes and Centers throughout the state, where their reuse through repurposing existing buildings or demolishing them, could accommodate smaller standalone projects, or be part of a larger mixed-use redevelopment, where last-mile facilities would benefit from being in or near population centers.

The built environment contains more buildable land than might be obvious at first glance. Unused surface parking and other underutilized spaces, particularly in many less developed towns and suburban areas, represent a de facto land bank that is worth a second look. Communities should examine potential opportunities to site smaller projects that can mimic a traditional commercial or retail space, ranging in size from 50,000 to 150,000 square feet. However, it is important to keep in mind that the parking needs

for last-mile facilities can be very high, because of the need to accommodate hundreds of delivery vans and small trucks. Smaller, formerly developed, or improved sites must still be able to accommodate adequate tractor-trailer access, and towns must still assess impacts on residential and adjacent areas when siting at smaller facilities in these locations.

Finally, towns should be careful to not rezone important and strategically located, commercial and retail sites, just because they may not be economically viable in their current configuration. In many cases, towns can revitalize tired commercial strips and struggling big-box shopping centers with creative redevelopment plans and related tools that can reimagine and repurpose such sites into vibrant and walkable mixed-use destinations. In these cases, a combination of residential, retail, office, and commercial uses can coexist in a denser vertical format that serves a variety of purposes of interest to communities.

## **OVERBURDENED COMMUNITIES**

### **Air quality and health impact considerations**

Emissions of air pollutants and greenhouse gases from diesel-powered delivery vans and tractor-trailers represent the most substantial environmental impact from warehouse facilities. With mounting evidence that diesel exhaust poses major health hazards, reducing diesel pollution has become a public priority, and needs careful consideration of where intensive diesel sources of pollution should be located and mitigated. The World Health Organization (WHO) classifies diesel exhaust as carcinogenic to humans, and abundant research has shown that its components, which include nitrogen oxides and particulate matter, are harmful to human health even at low concentrations and through short-term exposures. Diesel trucks visiting warehouses emit both nitrogen compounds (a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation) and diesel particulate matter (a subset of fine particulate matter that is smaller than 2.5 micrometers and a contributor to cancer, heart disease, respiratory illnesses, and premature death).

On December 20, 2021, the New Jersey Department of Environmental Protection (NJDEP) took a major step toward reducing exposure to diesel pollution by adopting the Advanced Clean Trucks (ACT) rule, which provides a regulatory path for electrifying everything from delivery vans to tractor-trailers in the state. The ACT rule requires truck manufacturers to sell pollution-free zero-emission trucks (instead of diesel and gasoline vehicles) to New Jersey beginning in 2025 and requires 40-75 percent new zero-emission truck sales by 2035. The rule requires that electric truck sales ramp up 5% each year until they comprise 55% of all “Class 2b” vehicles (pickups and vans) sold in 2035. By the same year, 75% of “Class 4-8” trucks (all buses and heavy-duty trucks) sold must be electrics.

New Jersey is one of several states to have adopted California’s ACT rule in recent years, following major industry advances in the availability of zero-emissions trucks, which cause the difference between lifetime costs for electric and diesel trucks to decline every year. Today, over 100 models of electric

trucks and buses are on the market, including delivery vehicles, tractor trucks, shuttles, and charter buses, among others. Businesses now have the option to purchase electric trucks and buses that have significantly lower and more predictable fuel and maintenance costs.

In support of the ACT rule, [P.L. 2021, c. 171](#), requires applicants to meet minimum requirements for electrical infrastructure to support future EV charging (i.e., Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces). The law, signed by Governor Murphy in July 2021, requires Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces to be designated as a permitted accessory use in all zoning or use districts in New Jersey. The law also establishes installation and parking requirements for EVSE and Make-Ready parking spaces in local communities.

### **Overburdened Communities**

In addition to statewide efforts to electrify the truck fleet, under New Jersey's [Environmental Justice Law](#) (N.J.S.A. 13:1D-157, also see [NJDEP Office of Environmental Justice](#)), signed into law by Governor Murphy on September 18, 2020, the NJDEP now maintains a list of [overburdened communities](#) which are located within 348 different municipalities. Pursuant to the Law, "overburdened communities" are defined as Census block groups with low-income, minority, or limited English-speaking populations categorized by specified thresholds. As part of the Law, the NJDEP is charged with ensuring that state agency actions do not result in the siting of additional noxious land uses in these neighborhoods and requires it to evaluate the environmental and public health impacts of certain specified facilities on overburdened communities when reviewing specific types of permit applications.

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*Avoid the disproportionate location of large warehouse distribution facilities in Overburdened Communities, Urban Cores and Clusters that serve a regional market and are characterized by a preponderance of diesel-powered tractor-trailers, particularly where air quality is categorized as chronically 'Unhealthy' by USEPA's Air Quality Index (AQI), or as so demonstrated through use of NJ Environmental Justice Mapping, Assessment and Protection Tool, which provides air pollution data. In all cases, environmental justice, equity, and fair labor practices should be guiding principles and actionable, enforceable elements in warehouse policymaking and siting decisions.*

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While warehouses are not included in the list of eight types of facilities specified under the Law (a warehouse is not in and of itself a producer of pollution), there is no denying that warehouse operations serve to increase truck traffic volume. This increased traffic volume increases mobile sources of air pollution and greenhouse gas emissions when they are located near communities already disproportionately impacted by environmental harms and risks. Recognizing these and other public health stressors, municipalities with overburdened communities should, at a minimum, consider zoning changes as part of a Master Plan reexamination process, to exclude certain types of distribution warehouse facilities (e.g., above 75,000 or 100,000 sq. ft., including those above three stories).

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*Warehouse facilities may be appropriate in Overburdened Communities, Urban Cores and Clusters where a project advances significant remediation of a contaminated and blighted site, and provides important local benefits in job creation, ratables, economic development, performance standards and amenities (e.g., utilizes a high percentage of electric semi-trucks and/or providing congestion bypasses for local through movement of trucks). Acceptable redevelopment activities are those that substantially mitigate and avoid creating additional burden, while meaningfully correcting current and past harm on environmental justice communities.*

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As the primary public health concern with the siting of warehouse facilities is diesel truck emissions, zoning, among other tools such as overlay zoning, conditional use requirements, redevelopment plans/redeveloper agreements, and enhanced site design/performance standards, could further clarify pollution reduction and mitigation standards, and instances where certain types or intensities of warehouse uses would be permissible. For example, getting a warehouse user to utilize a certain percentage of electric vehicles ahead of ACT Rule’s phased implementation could significantly advance local efforts to reduce GHG emissions and air pollution. Such mitigation, among other locally desired measures, could help build support and acceptance of a warehouse project that could provide important local benefits in job creation, ratables, economic development, and environmental remediation (e.g., redevelopment of a contaminated site), which are critically needed in overburdened communities.

## **Transportation, Traffic and Road Safety**

### **Traffic and Road Planning**

Municipalities are limited in what kind of “off-site” improvements they can require of developers, including improvements to roads or other infrastructure. That is why it is best to study traffic-intensive uses like distribution warehousing as part of a regional transportation plan, targeted corridor study, or update the land use and circulation plan in coordination with NJDOT, county, and regional agency partners, as part of an inclusive public planning process. Ideally, this effort should be done as part of a comprehensive review of the municipality’s Master Plan and land use ordinance update process. If this effort is not completed prior to receipt of an application for a new project, it may be too late to mitigate many offsite impacts that could have been avoided through proactive planning.

In all cases, municipal reviewing boards should emphasize the importance for applicants to perform due diligence before submission of a subdivision and/or site plan application. This includes involving county planning, engineering, and the NJDOT early on (before local permits are issued) if there is a desire to access a road within their jurisdiction. Local approvals do not guarantee that county and state permits will be granted. Many developers make significant investments only to find out that a county and/or Minor or Major NJDOT Access Permit either cannot be granted quickly or accommodated at all.

Requiring traffic and road impact studies both before building and after the warehouse is operational (perhaps requiring a follow-up study as an agreed condition of approval) is a realistic and critical tool to ensure any increased traffic anticipated, and then realized, by a new warehouse can be properly accommodated. The studies should be required by ordinance and identify all on-and-offsite transportation impacts, including vehicular (including autonomous), truck, pedestrian, multimodal, air (e.g., drone), and transit access.

Traffic studies should extend beyond the site and analyze the anticipated truck routes between the project location and the closest highway access points, including the types of roadway infrastructure to be used and impacted, such as the capacity of bridges, intersections, interchanges, and highways and proposed truck routes. Because different classes of streets and roads are designed for different types and lengths of trip-making, not every road segment will necessarily be appropriate for every mode of travel.

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*Improve the coordination and integration of land use and transportation planning among the relevant public, quasi-public and private transportation interests in New Jersey, including the metropolitan planning organizations, bi-state authorities, toll road authorities and commissions, to strengthen the linkages between land use and transportation planning for all modes of transportation.*

*Ensure that distribution warehouses are sufficiently linked with and served by appropriately scale port facilities, regional highway networks, and/or freight rail access, and other strategic intermodal transportation facilities throughout the region and state with special efforts to improve linkages between employees and job opportunities, and last mile fulfillment centers and consumers.*

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Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted. Whatever the level of review, analysis of all such traffic safety aspects should be a requirement of the developer. All such analyses, along with information as to upgrades needed to address impacts should be presented for review/approval.

Given the public health and safety concerns, reviewing boards should ensure that proposed truck routes can be identified that are away from downtown centers, residential areas, historic districts, school zones, recreational parks, daycare centers, places of worship, and overburdened communities (especially those that are already subjected to chronically unhealthy air, noise, and other environmental stressors). Costs and necessary improvements to identified conflict points, diminished levels of service, and other related transportation capacity concerns along these routes should be identified and quantified. Where road widening and/or expansion is proposed, environmental impacts (e.g., flooding, runoff, degradation of water, and other natural resources) and mitigation measures should likewise be identified.

Studies should involve the developer, municipality, and all other relevant authorities, including counties, bridge/tunnel commissions, NJDEP, and NJDOT as appropriate. It is also important to note that many warehouses are approved and built on speculation, meaning the end-user is not known. In addition, the user of the warehouse may be a tenant with a lease subject to change at each lease term. The end-user can greatly affect the traffic generation and impacts felt across municipal boundaries, which further reinforces the need for more robust planning, zoning, site design standards, and impact analysis. It is also important to recognize the relationship between transportation project justifications that often precede speculative development proposals, local zoning modifications, etc., to identify any assumptions for inducing/incentivizing industrial development and redevelopment.

For larger warehouse proposals that are anticipated or likely to have negative impacts on adjacent or nearby communities, the hosting municipality should consider funding its impact analysis (unless agreed by the applicant and/or funded as part of a redeveloper's agreement). At a minimum, the study should determine whether truck routes outside of municipal boundaries will negatively affect their neighborhoods, downtowns, historic areas, etc., and send a copy of this evaluation to the potentially affected municipalities and counties at least thirty days before the project is heard. If there is a concern that anticipated or planned truck routes will not be followed, the reviewing board and applicant, with assistance and input from the county, and NJDOT, where appropriate, should identify the likely reasons why alternative routes might be chosen, and develop enforceable strategies for trucks that go off route.

### **Specific Traffic Considerations**

- Traffic Impact Studies should include a truck and automobile trip analysis to project and break out different vehicle trips throughout the entire day (i.e., not just peak hours) to capture the full (potential) magnitude generated from a proposed warehouse.
- Do the configuration of the roads and the geometry of the existing turnarounds, ramps, circles, or exits allow for unimpeded movement of the additional traffic?
- Do the standards and road design of the secondary road network provide the proper turning radii and overpass clearances for the proposed traffic increase?
- Is the road design of the secondary route constructed to handle the proposed increase in traffic loads?
- Will traffic be diverted either regularly or on an alternate route basis into neighboring municipalities, e.g., where will truck traffic be routed in instances of nuisance flooding or major storm events where site accessibility issues arise?
- What strategies will be in place to prevent unsuited alternative routes from becoming the "go-to" route?
- What strategies will be in place to prevent highway toll road avoidance resulting in undesirable desirable routes being favored?
- Do the standards and road design allow for compatibility with freight movements and a complete street-friendly design, where appropriate?
- How do proposed changes to weight limits on local, county, and State roads provide for

designated truck routes.

- Does the condition and design of the road prevent structural damage to adjacent structures?
- Is there an entrance (i.e., gate) management plan (e.g., staggered shifts as a condition of approval) in place to prevent queuing on affected roads?
- Is there adequate truck parking to ensure that trucks delivering or awaiting loads do not end up waiting outside of the facility until their appointed time?
- Will patronage to local businesses or commercial areas be impacted if destination access becomes impaired by levels of truck traffic not conducive to visitation?

**Best practices to mitigate possible negative impacts on traffic and roads:**

- Designing, clearly marking and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- Imposing delivery schedule time restrictions on specific local road networks where necessary to protect public safety and avoid negative impacts and major disruption to other users such as same-route school drop-off/pick-up hours.
- Installing signs in residential areas noting that truck and employee parking is prohibited.
- Requiring warehouse facilities to establish specific truck routes and post signage between the warehouse/distribution center and the freeway and/or primary access arterial that achieves the objective. The jurisdiction may not have an established truck route but may take the opportunity to develop one.
- Requiring warehouse facilities to specify on the facility site plan primary entrance and exit points.
- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- Consulting with the local public transit agency and advocating for increased public transit service to the project area.
- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- Restricting the turn's trucks can make entering and exiting the facility to route trucks away from sensitive receptors (e.g., neighborhoods, overburdened communities, schools, daycare centers, etc.)
- Constructing roadway improvements to improve traffic flow.
- Preparing a construction traffic control plan before starting site work, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts on roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

## Sustainable Design

According to the US Environmental Protection Agency, sustainable building practices include both the structure and use of environmentally responsible processes, and energy and resource-efficient materials throughout a building's life cycle from siting to design, to construction, operation, maintenance, renovation, and demolition. Green building strives to preserve and restore the surrounding habitat, making the most efficient and least disruptive use of water, drainage, energy, and natural resources.

Beyond distinguishing between the variety and intensity of uses and regulating where they should and should not go, local decision-makers and planners need to think carefully about design and sustainability standards to ensure that warehousing development and the many disparate impacts it generates are both minimized and compatible with the surrounding community. Design must not undermine valued community characteristics or the carrying capacity of physical and natural infrastructure, from the transportation network to local streams and watersheds that may already experience nuisance or severe riverine flooding.

When incorporating architectural design standards into local ordinances, municipalities should include a variety of amenities and features addressing project location, scale, intensity, local context, aesthetics, and adjacent roadway typology. They should ensure adequate buffers to neighboring uses and provide sufficient landscaping requirements, including the use of adequately sized berms, solid walls, and larger plant/tree materials to soften and screen dominating structural features, while reducing noise, dust, odors, and visual impacts.

Green infrastructure standards and stormwater ordinances should address water conservation, low impact "green" stormwater management via options such as pervious parking and drive lane surfacing, green roofs, and bioretention systems. Planting plans should use native species that will prove more durable and resilient to local conditions while maximizing carbon sequestration potential. Rain gardens and other green infrastructure and non-structural enhancements for the treatment of stormwater (particularly for communities with chronic combined sewer overflow and nuisance flooding problems) provide both water quality and wildlife benefits, as well aesthetic values that complement landscaping, public spaces, and associated amenities such as sidewalks and bike paths. Climate mitigation measures should also be employed to anticipate more extreme heat, weather, and rain, including flood control, permeable surfaces, and natural absorption systems.

Design standards should also address a building's shape, scale, color, pattern, texture, and space, using a variety of architectural elements, accent features, styles, and materials to articulate and break up a structure's monotony and line of site in a manner that reduces both visual and environmental impacts. Defined entry features, columns, awnings, adequate windows, lighting, and a variety of durable materials, all provide relief from flat facades, fragmenting large, and otherwise spaces, masses, or volumes.

Municipalities should require developers of new warehouse construction to meet enhanced green infrastructure standards that go beyond the state's minimum requirements in the Stormwater Management Rules. For example, enhanced green infrastructure improvements can make a tremendous quality of life improvement to overburdened communities, many of which experience chronic and disproportionate flooding.

Projects should be designed with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now but also can save money as regulations tighten and demand for zero-emission infrastructure grows. For example:

- All warehouse buildings should strive to be LEED Silver or higher or comply with a comparable "green building" program at the same standard or higher.
- For existing warehouses, rooftop (and other suitable) surface areas that are not already covered by solar panels should be retrofitted to be solar-ready. Buildings should be designed to support solar installation (per P.L.2021, c.290), but preferably should include solar arrays and solar panel or green rooftop installations. If concrete is used in parking lots and drive aisles, it should have a solar reflective index of no less than 30, and trees planted on the premises, especially in parking lots, should be capable of providing significant shade as they mature.
- Cool pavement should be used throughout the facility to reduce heat island effects. Any rooftop equipment should have screens if visible from residential homes within a certain radius of the warehouse.
- Warehouses should also keep up external appearances, remove unsanctioned graffiti, and dead trees, and address any unsightly issues promptly.
- Operational standards should restrict truck idling time, and encourage off-peak goods movement and staggered shifts, to minimize traffic impacts.
- In addition, towns must meet the minimum requirements for electrical infrastructure to support future EV charging (i.e., Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces), pursuant to PL 2021, c 171, which includes the adoption of [Model Statewide Municipal EV Ordinance](#), the statewide municipal ordinance.

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*Encourage sustainability in siting, design, construction, operations, maintenance, redevelopment, renovation and demolition, including energy and resource-efficiency (e.g., solar roofs, EV ready and zero emission semi-trailers), and the preservation and restoration of the surrounding habitat, making the most efficient and least disruptive use of water, drainage, energy, and natural resources. Design projects with their long-term viability in mind and scaled to be compatible with the surrounding area and transportation network and utilize enhanced Green Building and green infrastructure to extent feasible.*

*Recognize the deleterious impacts of emissions (i.e., air pollutants and greenhouse gases) from diesel-powered delivery vans and tractor trailers; undertake remedies that mitigate or eliminate these impacts through public and private sector actions addressing transportation mobility choices, use of clean, renewable, alternative forms of energy. Encourage the promotion and implementation of medium and heavy-duty truck electrification programs in overburdened communities, among other efforts to implement the Advanced Clean truck Rule.*

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## **Mitigation Best Practices**

The Municipal Land Use Law (“MLUL”) requires certain processes, allows certain considerations, is silent on others, and prohibits some. Municipalities are also required to address certain other mandates identified through legislation or executive orders that are not addressed in the MLUL (e.g., EO 89, EO 23, Advanced Clean Trucks (ACT) rule, and P.L. 2021, c. 171 statewide EVSE ordinance). The following best practices identify ways that municipalities can address the requirements set forth in the MLUL as well as other mandates and initiatives.

Factors below may also be addressed in master plans, ordinances, redeveloper’s agreements, redevelopment plans, negotiated or as conditions of approval, in consultation with a municipal land use attorney. Keep in mind that any requirement should be, defensible, reasonable, and enforceable to the extent of the municipality’s capacity. It is strongly recommended that when considering these factors, a holistic review be considered for inclusion where practicable and appropriate so that land use policies set forth a strong legal basis for desired performance standards.

### **Examples of best practices for siting, design, and operation of warehouse facilities include:**

- Siting largescale warehouse facilities as close as possible to rail, regional and national highway networks, and major arterial roads, which are designed (along wide lanes, gentle curves, long forward sightlines, and infrequent access points) to move large volumes of traffic at high speeds that accommodates vehicles and volumes of all sizes.
- Siting large warehouse facilities so that their property lines are between 500 and 1,000 feet from the nearest sensitive receptors, (e.g., residential areas, schools, daycare centers, places

- of worship, hospitals, community centers, and active recreational parks). Mitigating features such as a large forest patch protected by a conservation easement, may warrant special consideration, justifying a reduced buffer.
- Screening dock doors and onsite areas with significant truck traffic with physical, structural, and/or vegetative buffers that adequately prevent or substantially reduce noise to meet local sound level standards in compliance with N.J.A.C. 7:29.
  - Site entry gates into the loading dock and truck court areas at least 100 feet inside the property line.
  - Reducing light pollution and glare to the maximum extent possible. Warehouses should try to implement a site-wide lighting program in compliance with International Dark Sky Association standards when possible.
  - Equipping interior and exterior lighting with motion sensors that either turn lights off, or for exterior lighting, dim lights to 50-25% output after sundown when no motion has been detected for 10 minutes.
  - Installing outdoor freestanding and wall-mounted lights that do not exceed 20 feet when within a certain radius of residential areas.
  - Only locate truck entry points on commercial class streets.
  - Shielding and directing construction lighting away from the project's property lines and residential areas.
  - Site design shall provide adequate areas for on-site parking, on-site queuing, and truck check-in that prevent trucks and other vehicles from queuing, circling, parking, or idling on public streets, as may be defined in the local ordinance.
  - Placing facility entry and exit points from the public street away from sensitive receptors.
  - Locating warehouse dock doors and other onsite areas with significant truck traffic and noise away from sensitive receptors.
  - Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
  - Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.
  - Ensuring the site plan provides safe truck rest, amenity, and service areas, so drivers do not instead find other offsite areas to park that create sanitary and public health and safety nuisances for drivers, property owners, and the general public.<sup>2</sup>
  - Establishing performance standards at or above state requirements for noise, glare, vibrations, traffic, and Complete and Green Streets.
  - Consider the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near the entry and exit points.
  - Design warehouse/distribution center so that interior vehicular circulation shall be located away from residential uses or any other sensitive receptors.
  - Directing all lighting at the facility into the interior of the site.
  - Using full cut-off light shields and/or anti-glare lighting.
  - Using cool pavement to reduce heat island effects.
  - Posting clear, durable, weatherproof signage and maps available on the property, especially

- at truck entrances and exits, depicting truck routes and truck turning prohibitions, along with physical preventive measures such as bumps, curbs that force one-way turns, etc. to prevent trucks from taking the wrong routes through sensitive receptors.
- Signs and pavement markings should clearly identify traffic circulation patterns to minimize unnecessary on-site vehicular travel.

### **Noise Impacts Analysis and Mitigation**

The noise associated with logistics facilities can be among their most intrusive impacts on nearby sensitive receptors such as residential areas, schools, parks, and other places where pedestrians, groups, and people are found. Various sources, such as unloading activity, and diesel truck movement, can contribute to substantial noise pollution that can cause hearing damage after prolonged exposure. These impacts are exacerbated by logistics facilities' sometimes 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities. In all cases, sound level requirements should be established by local ordinance in compliance with N.J.A.C. 7:29. Finally, keep in mind that some freight businesses need to operate up to 24-hours per day to meet demand and be successful. In such cases, careful siting, particularly along anticipated truck routes, will be necessary to avoid negative impacts to residential areas and other sensitive receptors.

#### **Examples of measures to study and mitigate noise impacts include:**

- Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompass noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound pressure than the last. For example, 70 decibels are ten times more sound pressure than 60 decibels, and 100 times more pressure than 50 decibels.
- Constructing physical, structural, or vegetative noise barriers on and/or off the project site, particularly around combustion-powered construction equipment, and properly functioning mufflers should be fitted on construction equipment.
- Locating or parking all stationary construction equipment as far from sensitive receptors as possible and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Using a noise protection barrier around combustion-powered construction equipment.

- Limiting operations to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low-noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.
- Preparing a noise impact analysis that considers all reasonably foreseeable project noise (both on and off-site).
- Prohibiting outdoor loading activities conducted between 9 pm-6 am that exceed 50 dB A CNEL noise levels, nor shall anyone operate speakers that exceed 45 dB A Leg (i.e., equivalent continuous sound level) within 1,500 feet of residential property between 7 pm-7 am.
- Prohibiting warehouses from conducting any nighttime construction on areas abutting residential neighborhoods, and if nighttime construction is necessary, one week's notice shall be given to the residents within hearing distance.
- Paving truck roads should be paved with low-noise asphalt.

#### **Best practices when studying air quality and greenhouse gas impacts at the regional level**

- Fully analyze all reasonably foreseeable project impacts, including a project's local, statewide, and cumulative emissions impacts.
- When analyzing cumulative impacts, thoroughly consider the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Prepare a quantitative air quality study in accordance with local air district guidelines.
- Prepare a quantitative health risk assessment in accordance with NJDEP Division of Air Quality Technical Manual 1003, Guidance on Preparing a Risk Assessment for Air Contaminant Emissions.
- Fully analyze impacts from truck trips. Municipalities and regional authorities should require full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations.
- Quantify any contributions to air pollution in adjacent communities and their significance
- Account for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in New Jersey's [Regional Greenhouse Gas Initiative \(RGGI\)](#).

**Best practices to mitigate air quality and greenhouse gas impacts from construction are below. Municipalities should consider encouraging or imposing certain conditions on a project where appropriate, including:**

- Utilizing off-road construction equipment to be zero-emission, where available.
- Ensuring all off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Using only all on-road heavy-duty haul trucks be the model year 2010 or newer if diesel-fueled.
- Using electrical hookups to the power grid, rather than the use of diesel-fueled generators, for electric construction tools, such as saws, drills, and compressors, and using electric tools whenever feasible.
- Limiting the amount of daily grading disturbance area.
- Only grading on days when the Air Quality Index forecast is less than 100 for particulates or ozone for the project area.
- Prohibiting the idling of heavy equipment for more than ten minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Encouraging operators to consider providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

**Examples of local and regional measures to mitigate air quality and greenhouse gas impacts from operation include:**

- Requiring compliance with NJ’s Act Rule as a condition of approval.
- Encouraging installing/using on-site equipment, such as forklifts and yard trucks, that is electric with the necessary electrical charging stations provided.
- Encouraging installing/using zero-emission light- and medium-duty vehicles.
- Prohibiting trucks from idling for more than ten minutes and requiring operators to turn off engines when not in use.
- Encouraging installing/using electric hook-ups to eliminate idling of main and auxiliary

engines during loading and unloading, and when trucks are not in use.

- Constructing electric truck charging stations proportional to the number of dock doors and parking spaces at the project.
- Constructing electric plugs for electric transport refrigeration units at every dock door if the warehouse use could include refrigeration.
- Training warehouse managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks within the facility.
- Appointing a compliance officer who is responsible for implementing all mitigation measures and providing contact information for the compliance officer to the lead agency, to be updated annually.
- Posting both interior-and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to NJDEP's Environmental Hotline at 1-877 WARN DEP (1-877-927-6337), and the building manager.
- Encouraging operators to install and maintain, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of the facility for the life of the project.
- Encouraging operators to install and maintain, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project and making the resulting data publicly available in real-time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.
- Installing all stand-by emergency generators to be powered by a non-diesel fuel.
- Encouraging operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Achieving certification of compliance with LEED green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Encouraging compliance with the Federal Energy Management Program's Fleet Management Framework: <https://www.energy.gov/eere/femp/femp-best-practices-fleet-management-framework>.

### **Labor Practices and Protection**

- Installing climate control in the warehouse facility to promote worker well-being.
- Installing air filtration in the warehouse facility to promote worker well-being where appropriate.

- Ensuring the site plan provides safe truck rest, amenity, and service areas, so drivers do not instead find other offsite areas to park that create sanitary and public health and safety nuisances for drivers, property owners, and the public.
- Providing air-conditioned and heated on-site lounges with vending machines, seating areas, restrooms, showers, TV, and workspaces that are kept clean and stocked for warehouse workers and truckers, with signage in both English and Spanish.
- Encouraging operators to provide meal options onsite or shuttles between the facility and nearby food centers.
- Requiring operators to provide signage or flyers identifying where food, lodging, and entertainment can be found, when it is not available on-site.
- Providing for overnight parking within the warehouse distribution center.
- Encouraging operators to provide transportation/shuttle service and/or links to transit if a large number of workers are anticipated to commute from outside areas and/or comprise low-wage workers.
- Encouraging operators to establish subsidy programs to encourage workers to either bike to work, use public transit, or carpool.
- Encouraging operators to provide a zero emissions shuttle to take workers to and from the nearest bus and/or train stop(s).
- Bike racks and preferential parking for personal ZEVs and E-bikes should be provided.
- Truckers should also be provided with maps of designated trucking routes, as well as charging ports for medium to heavy-duty ZE trucks.
- Operators should implement ongoing programs, in both English & Spanish, to educate truckers, tenants, and construction workers on all of the rules and requirements” they are expected to follow.
- Encouraging operators to consider providing (non-required) on-site meal vendors during construction for construction workers.
- Encouraging operators to consider providing workers with paid release from their shifts in the case of natural disasters or other emergencies.
- Providing escape plans in the case of natural disasters or other emergencies.
- Encouraging operators to provide better wages, working conditions, and safety protections across the board.

(Source: State of CA, Dept. of Justice. Warehouse Projects: Best Practices)

## **COMMUNITY INVOLVEMENT & PUBLIC ENGAGEMENT**

### **Adopt a Good Neighbor Policy**

In addition to the Public Notice requirements pursuant to P.L. 1975, c. 291 (C. 40:55D-12), municipalities considering a large-scale warehouse or other intensive use siting are encouraged to adopt a “good neighbor policy” to notify and seek non-binding informal comments from adjacent and affected nearby

municipalities, overburdened communities, county, and other relevant stakeholders both at the Master Planning and at the pre-application stages. For pre-applications, this is especially important for large projects that meet certain pre-established criteria (e.g., proposed impervious footprint above 200,000 square feet, or more than three stories in height). The policy could be incorporated into the subdivision and land development ordinance, a resolution, or as a memorandum of understanding between two or more municipalities and counties.

In any case, when a municipality receives either a concept plan or preliminary and/or major site plan meeting certain established criteria, representatives from adjacent or nearby municipalities, affected counties, and relevant state agencies should be noticed and invited to provide comments through the duration of the application approval process. In addition, and as part of any good neighbor policy, municipalities are strongly encouraged to establish expanded public notice requirements to adjacent and nearby municipalities, particularly those sharing a proposed freight route, to increase transparency and provide meaningful opportunities for inter-municipal dialogue and public comments.

### **Concept Plan Review**

Incorporating a conceptual plan submittal and review requirement into the subdivision and land development ordinance (perhaps for projects that meet certain size requirements) can help facilitate public and private collaboration between the community, the applicant, and appropriate county and state agencies. Appropriate County and State agencies (e.g., DEP, DOT, etc.) should be encouraged to participate in the concept plan review to ensure that large warehouse projects will comply with state regulations earlier in the approval process to avoid unnecessary design costs. This enables interested parties the opportunity to discuss and understand local and neighboring needs as well as industrial sector needs and county and state regulations, affording the chance to identify and potentially resolve certain issues of concern early in the process, and to refine and adjust plans before extensive design costs.

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*Early and consistent community engagement and involvement is central to establishing good relationships between communities, lead agencies, developers, and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial.*

*State Planning Commission Policy*

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By requiring a concept plan submittal and review for major developments, municipalities can establish a process for facilitating preliminary discussion among affected residents, stakeholders, appointed officials, elected representatives, developers, and end-users in a manner that is both transparent and inclusive, with potential for better outcomes for all involved before a formal process. Even if not required, an optional pre-application meeting should be strongly encouraged as an important opportunity for the applicant, the site designer, the Planning Board, and the municipal planner, to

introduce the applicant to the municipality's zoning and subdivision regulations and procedures. In this way, the parties can discuss the applicant's conceptual plans, existing resources, project merits, and concerns, scheduling, plan submissions, and any variances or design waivers that may be required. In addition, counties, regional planning agencies, and state agencies should be part of these meetings as appropriate.

### **Technical Advisory Committee**

Towns facing increased warehouse pressure or impacts are encouraged to work with their respective county or regional planning agency if one exists, to establish a Technical Advisory Committee (TAC). The TAC can be comprised of representatives from municipal and county government, their appointed staff, professionals, one or more representatives from an Environmental Commission or Green Team, an overburdened community representative, and relevant State agency representative. The TAC would be advisory. This is particularly important as a municipality is considering changes to its Master Plan and zoning ordinances. Depending on how the TAC is organized and assigned roles and tasks, it could also assist in the evaluation of conceptual and/or preliminary and major site plans; recommend and review impact studies, and proposed design measures; and provide recommendation reports for local consideration of proposed projects against review criteria as appropriate.

A TAC would be especially useful to communities and counties where warehousing and goods movement is already an issue, including:

- In municipalities with overburdened communities, particularly where air quality, flooding, noise, traffic, and other environmental stressors are already a major issue.
- Where important resources like farmland, forested areas, and threatened and endangered species habitat are threatened.
- Where anticipated freight routes and associated infrastructure is undersized and lacks capacity.
- Where routes would bisect or negatively affect sensitive receptors (e.g., schools, daycares, churches, places where pedestrians or people congregate, etc.), neighborhoods, downtowns, historic districts, rural areas, and scenic byways.

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*Develop and review plans and application in collaboration with appropriate communities, groups, organizations and agencies, including engaging those not traditionally involved in planning processes, make a special effort to seek out and include participation and involvement of those who are affected, particularly overburdened communities*

*State Planning Commission Policy*

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## Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, warehouse developers, and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

- Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.
- Posting information in hard copy in public gathering spaces and on a website about the Project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The information should be in a format that is easy to navigate and understand for members of the affected community.
- Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.
- Providing translation or interpretation in residents' native language, where appropriate.
- For public meetings broadcast online or otherwise held remotely, providing access and public comment by telephone, and supplying instructions for access and public comment with ample lead-time before the meeting.
- Collaborating with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.
- Considering the adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the community.
- Creating a community advisory board made up of residents to review and provide feedback on project proposals in the early planning stages.
- Designating several seats on a TAC or community advisory board set aside for community members from the affected communities, particularly overburdened communities, that is proportional to the overall group.
- Creating binding enforceable Community Benefits Agreements (CBAs) with impacted communities and residents involved, not just the host community or just local officials.
- Warehousing facilities and municipalities should look to the NJ Environmental Justice Law for guidance and heavily consider EJ concerns when proposing expansion or siting.
- Warehouses should determine whether their proposed facilities would cause or contribute to disproportionate adverse impacts on the surrounding communities relative to other New Jersey communities.

- Warehouses that already exist in these communities should work with the municipality and the local community in adopting measures to avoid contributing to adverse environmental and public health stressors that would further worsen public health within the community.
- Notices, signage, and any public engagement meetings must provide translation and interpretation when a significant percentage of residents require such services.
- Identifying a person to act as a community liaison concerning on-site construction activity and operations and providing contact information for the community relations officer to the surrounding community.

(Source: State of CA, Dept. of Justice. Warehouse Projects: Best Practices)

## A regional approach

If impacts are regional, planning should be as well. Given the undeniable importance of the warehousing and goods movement industries to the economy of New Jersey, its unique land use and transportation needs, significant growth projections, and potential for serious adverse impacts across municipal and state boundaries, transportation networks, and resources of statewide importance, a regional approach can help municipalities more comprehensively address and plan for the locating, review, and accommodation of larger projects. This includes finding solutions to problems at existing sites that pose regional impacts in a manner that adequately assesses, avoids, and mitigates negative impacts while increasing benefits for affected communities, and the region in which a project is proposed.

County Planning Boards can play a vital role in these regional planning efforts and provide technical expertise and assistance to municipalities during the planning process. They can assist municipalities with warehouse siting/traffic issues and may be well suited to addressing the issue on a wider scale. [Somerset County's County Investment Framework](#) and the [Supporting Priority Investment in Somerset County Initiative](#), are examples of how a County can support inclusive, comprehensive, and consensus-based planning efforts by working with multiple planning partners. In addition, the Highlands Council funded a [Light Industrial Site Assessment Study](#) completed by Warren County, for example, that examines the potential impacts of warehouse development in the county and identifies possible traffic mitigation measures.

*As part of both the planning and development review process, municipalities, counties, regional and state agencies (including metropolitan planning agencies) should, to the extent feasible, coordinate and collaborate on local and regional planning. By doing so, these planning entities can avoid and mitigate the potential for negative impacts of a regional nature, particularly to adjacent and nearby communities, especially overburdened communities, so that impacts are not unfairly placed on other municipalities, and their residents, and associated transportation networks and facilities.*

*State Planning Commission Policy*

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### **County subdivision and site plan review**

As part of any regional approach, it is important to recognize that counties have an extremely important, albeit limited, role to play in the review and approval of proposed warehouses and other development projects within their jurisdiction. The New Jersey County Planning Act N.J.S.A. 40: 27-1 et seq., provides County Planning Boards, or their county planning director and designated development review committee, with authority to review all local development proposals (i.e., subdivision and site plan applications), affecting any county roads/property and/or drainage facilities for which it is responsible that would be adversely affected. This includes any proposed land development along county roads or development which will cause stormwater to drain either directly or indirectly to a county road or through any drainage way, structure, pipe, culvert, or facility for which the County is responsible.

#### **40:27-6.2. Review and approval of all subdivisions of land; procedures; engineering and planning standards:**

- Section a. of the statute provides the requirement of adequate drainage facilities and easements when, as determined by the county engineer in accordance with county-wide standards, the proposed subdivision will cause stormwater to drain either directly or indirectly to a county road, or through any drainage way, structure, pipe, culvert, or facility for which the county is responsible for the construction, maintenance, or proper functioning; and
- Section b. provides the requirement of dedicating rights-of-way for any roads or drainage ways shown on a duly adopted county master plan or official county map; and
- Section c. addresses where a proposed subdivision abuts a county road, or where additional rights-of-way and physical improvements are required by the county planning board, such improvements shall be subject to recommendations of the county engineer relating to the safety and convenience of the traveling public and may include additional pavement widths, marginal access streets, reverse frontage and other county highway and traffic design features necessitated by an increase in traffic volumes, potential safety hazards or impediments to traffic flows caused by the subdivision.

The purpose of county land development review is to provide rules, regulations, and standards to guide land development that affects or involves County facilities. Land development review regulations ensure that land development within a county is in accordance with the goals and objectives of the County Master Plan and other adopted County plans, regulations, and standards. In addition, the Official County Map serves as a master plan for county highway systems and establishes rights-of-way, roadway widths, and specific functional classifications for all county highways.

The statute further empowers County Planning Boards to adopt subdivision and site plan standards and procedures, including the authority to assess land development projects for their proportionate share (i.e. developer contributions, including performance guarantees and maintenance bonds for improvements) if necessary, related infrastructure improvements to county roads and drainage facilities which are the direct result of, or bear, a rational nexus to the development, to reduce hazards to the general public caused by unsafe traffic conditions and/or flooding. While a county planning board has the power to approve or disapprove applications for subdivisions of land that “affect county roads and drainage facilities,” it has jurisdiction only over site plans that “are along county roads or affect county drainage facilities.”

Counties can require developers to improve shoulders, add turn lanes, and improve driveways for properties that front on county roads. In instances where a proposed project does not impact a county roadway or drainage facility, the County Planning Board or its designated development review committee has the discretion to provide non-binding reviews and comments. The statute further allows “aggrieved persons” to appeal a planning decision made at the county level. Finally, in all cases, interpretation of the County Planning Act should be made in consultation with the County land use attorney.

### **Establish Regional Technical Advisory Committees**

Under a regional approach, a county, or regional planning agencies could, with the assistance and support of their constituent municipalities, establish and administer Technical Advisory Committees (TACs). Appropriate State agencies are encouraged to participate. The TAC could be most advantageous during the master planning process and for large-scale projects that have the potential for significant regional impacts. The role of a county or regional TAC would be advisory. Its purpose would be to provide interested and affected municipalities with the means and technical staff support, necessary to meaningfully participate in the wider review and analysis of warehouse projects that meet certain established threshold criteria and to provide reports and comments for consideration by local reviewing boards when evaluating their Master Plan updates and hearing proposed projects. Ideally, a county or regional TAC would be comprised of pre-selected representatives from relevant State agencies, the respective Metropolitan Planning Organization (MPO), the county (and adjoining county, if appropriate), the hosting municipality (perhaps serving as TAC chair), and a representative from each adjacent, as well as nearby municipalities within a certain distance where there exists the potential for significant impacts, particularly to overburdened communities, and/or transportation networks.

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*Proactively promote, coordinate, and collaborate on local and regional planning efforts, programs, and policies to identify and accommodate large warehouse development and redevelopment in appropriate locations, including regional logistics facility nodes, proximate to ports, rail lines/yards, regional highway networks and other key intermodal transportation facilities.*

*State Planning Commission Policy*

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Depending on how the TAC is organized and assigned membership, roles and tasks, it could evaluate proposed Master Plan and ordinance changes, concept plans, and/or preliminary and final site plans; recommend and review impact studies, provide reviewing boards with comments; propose design modifications and measures to address environmental justice, greenhouse gas emissions reduction, energy efficiency, improvements both on and off-site to the road network; as well as provide recommendations for planning and zoning changes, among other assigned roles and tasks.

The county, or regional planning agency, and appropriate state agency representatives and staff, could also support the TAC and constituent municipalities, by undertaking long-range regional planning studies and providing technical assistance in the development of local plans and ordinances. For example, the regional entity could, with the input and support of its constituent municipalities and TAC, develop and maintain an inventory of regionally pre-screened sites/locations determined to be appropriate for warehouse development, supporting infrastructure and transportation improvements (e.g., widening or construction of new highway interchange access), thereby reducing the need for a myriad of local assessments, saving time and money for municipalities and developers.

In addition to State agency partners, the field of potential regional partners can include County Planning Boards, State Special Resource Area Agencies such as the [New Jersey Highlands Water Protection and Planning Council](#), the [New Jersey Pinelands Commission](#), and the [New Jersey Sports and Exposition Authority](#). Important to the conversation are New Jersey's three Metropolitan Planning Organizations, which include the [North Jersey Transportation Planning Authority \(NJTPA\)](#), the [Delaware Valley Regional Planning Commission \(DVRPC\)](#), and the [South Jersey Transportation Planning Organization \(SJTPO\)](#).

Three Authorities include [the Port Authority of New York and New Jersey \(PANYNJ\)](#), the [Delaware River Port Authority](#), and the [New Jersey Turnpike Authority](#). All are mentioned here because each represents an important planning partner and regional planning resource, with their own plans and guidance that may provide further insight and information about the growing logistics industry (e.g., forecasts on future growth and identifying plans within their jurisdictions to address them) that would be very helpful to municipalities in understanding what is likely going to happen in the future, and what these entities are doing to positively work with their partners and constituents to more smartly accommodate the movements of goods while enhancing levels of service and a more healthy environment.

## **Special Resource Areas**

Three Special Resource Areas maintain their own regional Master Plans that are outside of the jurisdiction of the State Planning Commission. Municipalities in these regions are encouraged to utilize this guidance; however, if any guidance in these documents' conflicts with the Master Plans for the Special Resource Areas below, those Master Plans will prevail.

### ***NJ Highlands***

The Highlands Region is at a critical crossroads for the location of warehousing, as three major interstate highways cross it (I-80, I-287, and I-78). There likely are appropriate locations for warehousing in the Region, but the Highlands Council's authority to affect locations or address regional traffic implications is limited as most land use planning authority rests with municipalities. Where municipalities are in conformance with the Highlands Regional Master Plan (RMP), local land-use decisions have significantly improved alignment with Highland's goals and objectives. For conforming municipalities and counties, the Council is authorized to provide grant funding that could assist in the traffic and feasibility analyses needed to identify the most suited locations in the Region for warehouse and distribution facilities. In general, terms, the RMP would steer such projects away from lands in the Highlands Preservation Area, favoring sites in the Highlands Planning Area. These areas have no (or minimal) Highlands Resources, are in designated sewer service areas, have proximate access to highways and highway entry points (to avoid/minimize impacts to local roads and scenic byways), and do not significantly affect or eliminate the Region's prime farmland or prime farmland soils.

Large areas of prime farmland in the Region are at risk in the face of the demand for warehousing. They are often the least encumbered areas in terms of Highlands Resources, meaning they have little or no forest cover, steep slope area, wetland area, stream/riparian habitat area, etc., and are thus targeted for development. Prime farmland and prime farm soils must be protected in the Region, however, along with the agricultural communities built around them. These are the goals of the Highlands RMP. It should be noted that the Highlands Council is also working to strengthen farmers and farming communities since a thriving agricultural economy may be its own best defense.

### ***NJ Pinelands***

The Pinelands Area is comprised of 938,000 acres, spread across seven counties and 53 municipalities. Development in the Pinelands Area is subject to the land use and environmental standards set forth in the Pinelands Commission's Comprehensive Management Plan (CMP). All development in the Pinelands Area must comply with the minimum environmental standards of the CMP, including standards for the protection of wetlands, water quality, and threatened and endangered species. All master plans, land use ordinances, and redevelopment plans adopted by Pinelands municipalities are required to be in conformance with the CMP and must be approved by the Commission before they may take effect. The Commission's approval process includes consideration of potential inter-municipal conflicts that could arise as the result of a municipal ordinance amendment.

The Commission has experienced increased interest in the siting and development of large warehouses in the Pinelands Area, although perhaps not to the degree seen in the rest of the State. In 2021, the Commission received numerous inquiries and new applications for warehouses ranging in size from 50,000 square feet to over 1,000,000 square feet. The CMP does not permit the development of large nonresidential uses, such as warehouses, in approximately 75% of the Pinelands Area. This includes the most environmentally sensitive areas (the Preservation Area District and Forest Area) and the Agricultural Production Area, where most of the prime farmland and prime farm soils in the Pinelands Area are located. However, in other portions of the Pinelands Area, such as Regional Growth Areas, Rural Development Areas, and Pinelands Towns, municipalities can establish nonresidential zoning districts and permit a wide variety of nonresidential uses, including warehouses. An overall regional framework is thus in place to provide opportunities for the siting and development of warehouses in appropriate portions of the Pinelands Area.

### ***Hackensack Meadowlands District***

The New Jersey Sports and Exposition Authority (NJSEA) is the Authority of the State of New Jersey responsible for the regional planning and zoning of the Hackensack Meadowlands District (District), a 30.3-square-mile area encompassing portions of fourteen municipalities in two counties, Bergen, and Hudson. The District, located approximately five miles west of New York City in northern New Jersey, is a unique landscape, composed of an amalgam of natural and developed areas bisected by the Hackensack River and crisscrossed by major transportation corridors. The network of transportation routes through the District, as well as its proximity to New York City, the Port of New York and New Jersey, Newark Liberty International Airport, and various freight rail facilities, have established the District as a key location for the siting of warehouse and distribution facilities. Transportation-related and industrial land uses cover more than one-third of the District's land area, second only in prevalence to natural areas, such as waterways and wetlands, in the District.

The NJSEA maintains a professional staff of engineers, planners, and construction code officials to administer land use and construction code regulations within the District. In accordance with the planning goals of the Hackensack Meadowlands District Master Plan Update 2020, new warehouse development in the District is directed toward brownfield and redevelopment sites, and away from natural areas. The NJSEA's review process includes the evaluation of traffic impacts of proposed warehouse uses.

### **A word on State agency requirements**

Once the local reviewing board approves a development proposal, a project must still comply with all county and State agency requirements. In many cases, final site plan approvals are conditioned on an applicant meeting all outside agency requirements and obtaining all necessary permit approvals.

Many rules implemented by the New Jersey Department of Environmental Protection, [Division of Land Resource Protection](#) (DLRP), and its more-recently created [Watershed and Land Management Program](#) (WLM), will have a direct and measurable impact on the layout, design, and feasibility of a project.

Environmental site constraints (e.g., Freshwater Wetlands, Flood Hazard Areas, etc.), location (e.g., within the Coastal Zone Management Area, etc.), and any encroachments into regulated areas may affect the final design of the project. In addition, several environmental land use, regulatory programs, and rules within DEP have been or are in the process of being modernized to respond to environmental justice and climate change concerns by considering risks such as the sea-level rise and chronic flooding. These updates also aim to facilitate climate resilience by supporting green infrastructure and strengthening air pollution rules to help reduce future greenhouse gas emissions, particularly in overburdened communities.

With these changes in mind, warehouse development applicants should be encouraged to request a pre-application conference with the DLRP at the conceptual stage of a project's site plan process to understand what permit approvals may be necessary, clarify design conflicts, determine regulatory compliance, and determine if any unforeseen regulatory issues might be discovered. The DLRP may also provide recommendations for design changes that would help to minimize disturbance in environmentally sensitive areas and help the project achieve compliance with the regulations.

The New Jersey Department of Transportation (NJDOT) is responsible for freight planning activities encompassing all modes of freight distribution, including [highway](#), [rail](#), [water](#), and [aviation](#). This includes the gathering of data on all modes, especially trucks, to inform NJDOT on the best use of resources for the maintenance of the state's road and bridge infrastructure. NJDOT manages and oversees numerous freight planning studies and research projects, such as the [2017 New Jersey Statewide Freight Plan](#), released and approved by FHWA under the current guidelines of the [Fixing America's Surface Transportation Act](#) (FAST) of 2016. NJDOT also collaborates with other transportation agencies on studies, projects, and other public and private initiatives, such as the [State Rail Plan](#) with NJ TRANSIT.

Applicants seeking traffic access to state roadways/highways and transportation infrastructure must submit applications for access to NJDOT. Access applications with fewer than 500 daily trips are considered minor, while those with more than 500 are considered major. Roadway designers should also consult the code to determine access requirements for design plans. Applicants should, likewise, be encouraged to conduct a Lot Conformance Analysis as this study can determine the extent to which development will be limited by the NJDOT. This analysis is a study of the amount of traffic that will be permitted to access a state road from a site and which traffic movements will be allowed. It considers a number of factors including roadway speeds, amount of frontage along the roadway, size of the site, etc. Applicants can then schedule an informal Pre-Application Meeting with NJDOT to confirm the results of the Lot Conformance Analysis and the allowable movements out of a site driveway and onto a state highway. There is no fee charged by the NJDOT for these meetings, all that is required is a conceptual layout plan and initial calculations from a traffic engineer.

In all cases, applicants should perform due diligence prior to submission of a subdivision and/or site plan application. This includes involving county planning, engineering, and the NJDOT early on, and before local permits are issued. Local approvals do not guarantee that county and state permits will be granted. Many developers make significant investments only to find out that a county and/or Minor or Major NJDOT Access Permit either cannot be granted quickly or accommodated. For further guidance and rules governing access to state roadways, see the [New Jersey State Highway Access Management Code](#). Anyone who needs to do business with NJDOT can do so from the [Doing Business website](#).

Municipalities can also seek guidance and technical assistance by pursuing or renewing petitions for [Plan Endorsement by the State Planning Commission \(SPC\)](#). Plan Endorsement is a voluntary review process with specific requirements designed to ensure consistency in achieving the goals and policies of the State Development and Redevelopment Plan. The endorsement process expands upon the minimum requirements of the MLUL by incorporating several planning priorities of increased State emphasis, including enhanced measures to address climate resilience, greenhouse gas emissions reduction, smart growth, Complete and Green Streets, sustainability, environmental justice, and social equity. Upon endorsement, the municipality may be entitled to financial and other incentives such as enhanced scoring for grant funding, low-interest loans, technical assistance, and coordinated regulatory review among the State agencies that will assist in making its endorsed plan a reality.

Other State agencies can assist with planning services such as Local Planning Services in the [Department of Community Affairs](#) and the [Department of Agriculture](#).

## Additional Resources

### Articles

- [Warehouse sprawl shows need for regional approach to planning, advocates say](#)
- [NJ State Planning Commission Adopts Warehouse Siting Guidance](#)
- [NJ Future: Warehouse Sprawl: Plan Now or Suffer the Consequences](#)
- [NJ Future: Environmental Justice and Warehouse Sprawl](#)
- [NJ Future: “Complete Streets” and Goods Delivery: What Is a Street For?](#)

### Plans/Guides

- [NJDOT 2017 Statewide Freight Plan](#)
- [NJTPA’s Plan 2050](#)
- [High Cube & Automated Warehousing Guide](#)
- [Warehouse Projects: Best Practices and Mitigation Measures](#)
- [Delivering Green: A vision for a sustainable freight network serving New York City](#)
- [State of California: Warehouse Projects: Best Practices and Mitigation Measures](#)

### Studies/Reports

- [2020 Report on the Economic Value of the New York-New Jersey Port Industry](#)
- [Clean Freight Corridors Study](#) (NYMTC planning area (including portions of NJ))
- [Regional Freight Land Use Study](#) (NYMTC planning area (including portions of NJ))
- [2050 Freight Industry Level Forecasts Study](#)
- [Freight Movement Around NJ Turnpike Interchange 6A Study](#)
- [Developing a Sustainable Urban Freight Plan – a review of good practices](#)
- [Warren County Light Industrial Site Assessment](#)
- [LVPC High-Cube Warehouse Vehicle Trip Generation Analysis](#)
- [New Jersey’s Global Warming Response Act 80x50 Report](#)
- [Moving Mindfully: Monmouth Mercer Study](#)

- [Southern Middlesex County Freight Movement Study](#)
- [Hudson County Truck Routes Assessment](#)

#### Programs

- [NJ ZIP: New Jersey Zero Emission Incentive Program](#)
- [Clean Truck Replacement Program](#)
- [Goods Movement Action Program \(G-MAP\)](#)

#### Tools

- [NJTPA's Goods Movement Strategies for Communities \(GMSC\) Tool](#)
- [Freight Activity Locator](#)

#### Zoning

- [Lower Macungie, PA Model Ordinance: Criteria for Warehouse, Wholesale, Storage, or Distribution uses](#)
- [Moore, PA Model Ordinance: Changing Warehouse use from Permitted to Conditional Use](#)