

Master Plan Reexamination Report

Township of Woodbridge Middlesex County, New Jersey

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Prepared for:
Woodbridge Township Planning Board

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Adopted on April 6, 2016 by the Woodbridge Township Planning Board.

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

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Introduction

The New Jersey Municipal Land Use Law (MLUL) requires that each municipality in New Jersey undertake a periodic review and reexamination of its local Master Plan 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 in order to determine the need for updates and revisions. The preparation of a statutorily-compliant Reexamination Report provides a presumption of validity of the township zoning ordinance under the law. The report constitutes the Master Plan Reexamination Report for Woodbridge Township as required by the MLUL N.J.S.A. (40:55D-89).

Woodbridge prepared its last comprehensive Master Plan in 2009. To date, there have been no reexaminations of the 2009 Master Plan. Because Woodbridge Township adopted its last comprehensive Master Plan in 2009, the township, is not legally required to perform a comprehensive review until 2019. However, since the adoption of the 2009 Master Plan, the township has prepared a housing element and fair share plan (viz., the 2016 Housing Element and Fair Share Plan) and identified the need to rezone specific areas of the township to protect the integrity of established land use patterns. As a result of these developments, the Woodbridge Township Planning Board has prepared this Master Plan Reexamination Report.

The MLUL requires that the reexamination report address five specific areas. These requirements are set forth below and are followed by the appropriate response statements.

1. The Major Problems and Objectives Relating to Land Development in Woodbridge Township at the Time of the Adoption of the Last Reexamination Report

Since the adoption of the Master Plan in 2009, a subsequent reexamination report has not been prepared to date, and as such, the 2009 Master Plan serves as the most recent master plan document. The vision in the 2009 Master Plan was developed through an extensive public participation process conducted from 2006 through 2008.

Some of the problems and objectives facing the township that were identified as part of the master plan process included: the need to provide additional senior housing opportunities; ensuring the integrity and character of existing residential areas; and, encouraging the rehabilitation of substandard residential units, among others. Many of these problems and objectives are reflected in the 2009 Master Plan's goals and objectives, which are outlined below:

Residential

- To ensure the integrity of existing residential areas:
 - By preventing intrusion of nonresidential uses into residential neighborhoods.
 - By maintaining the existing development intensity and population density.
- To preserve the existing character consistent with current development patterns through:
 - Zoning standards that correspond to existing development patterns.
 - Continued active code enforcement.
- To permit residential uses at appropriate densities in locations accessible to major roadways, commercial services, public facilities, and traditional downtown areas.
- To encourage the rehabilitation of substandard residential units.
- To provide sufficient residential opportunities, in locations with access to facilities and services, to help the township's senior residents age in place.
- To encourage the elimination of non-conforming uses.
- To control the illegal conversion of owner occupied housing into rental units through:
 - Aggressive code enforcement.
 - Continued registration of rental units with the township.

Commercial

- To encourage and control commercial development by limiting regional commercial and office development to major highway corridors.
- To strengthen downtown commercial shopping areas through:
 - Expanded retail offerings.
 - Improved facades and streetscapes.
 - Adequate parking.
 - Improved pedestrian and bike connections with adjacent neighborhoods.
- To create downtown commercial areas in Avenel and Port Reading.
- To expand retail and service activities in appropriate locations to meet the future shopping needs of township residents.
- To discourage strip commercial development through stringent site planning standards, including the use of common driveways, common rear yard parking areas and unified sign plans.
- To minimize conflicts between residential and nonresidential development through appropriate lighting, buffering/landscaping, loading, parking and storage standards.
- To continue attracting premier Retail, Industrial and Office end users to the township.

- To expand and protect the township's ratable base through the attraction and retention of nationally known and respected companies.

Industrial

- To control industrial development:
 - By limiting industrial development to land suitable for industrial use, including sites with flat topography, good drainage and access to arterial and primary roadways.
 - By permitting a range of industrial lot sizes and uses within industrial districts.
- To exclude residential uses from industrial areas.
- To control existing chemical storage facilities, checking and monitoring regularly for impacts on air and water quality.

Conservation

- To utilize the Environmental Resources Inventory to preserve environmentally sensitive areas within the township, including wetlands, flood plains, water bodies and areas of significant vegetation.
- To encourage the preservation of existing non-publicly owned recreation properties.

2. Extent to Which Such Problems and Objectives Have Been Reduced or Increased

All of the goals and objectives identified in the 2009 Master Plan are still valid and continue to affect planning and zoning decisions in the township. As such, all of the township goals are affirmed.

3. Extent to Which There Have Been Significant Changes in the Assumptions, Policies, and Objectives

There have been no significant changes in the assumptions, policies, and objectives that shape land use planning within the township. However, there have been a number of developments related to affordable housing planning. These developments are discussed in the following subsection.

Affordable Housing

COAH originally adopted affordable housing rules for the third round period 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 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.

COAH failed to adopt new rules. Due to COAH's failure to adopt new rules, the New Jersey Supreme Court ruled 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 March 10 ruling 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."

Under the New Jersey Supreme Court's March 10 ruling, municipalities are afforded an opportunity to file declaratory judgment actions in order to validate their affordable housing plans as compliant with constitutional affordable housing obligations. On July 1, 2015, the township filed such a declaratory judgment action. The township also filed a motion for immunity from builder's remedy lawsuits while it prepared this Housing Element and Fair Share Plan.

The court granted the township five months of temporary immunity from the filing of its declaratory judgment action on July 1, 2015. The original term of immunity was to end on December 1, 2015. However, it was subsequently extended to April 28, 2016. In response to the Supreme Court decision and in advance of the expiration of temporary immunity, the township prepared a new housing element and fair share plan (viz., the 2016 Housing Element and Fair Share Plan).

4. Specific Changes Recommended for the Master Plan and Development Regulations

As described in the following subsections, it is recommended that the township: adopt and implement the 2016 Housing Element and Fair Share Plan; and, amend zoning in targeted areas in order to protect the integrity of established land use patterns.

2016 Housing Element and Fair Share Plan

As noted in the preceding section of this master plan reexamination report, the township has prepared a new housing element and fair share plan (viz., the 2016 Housing Element and Fair Share Plan). The 2016 Housing Element and Fair Share Plan is incorporated by reference as part of this master plan reexamination report.

The 2016 Housing Element and Fair Share Plan identifies: a present need of 417 units; a prior round obligation of 955 units; and, a prospective need of 607 units, of which there is a realistic development potential of 342 units and an unmet need of 265 units.

The 2016 Housing Element and Fair Share Plan identifies a number of mechanisms to fulfill its obligations. Among the mechanisms that are identified in the 2016 Housing Element and Fair Share Plan to fulfill a portion of the township's unmet need and expand the supply of affordable housing are: the imposition, by ordinance, of an affordable housing set-aside of 15 percent on all multifamily development throughout the township; and, the enhancement of zoning in specific areas of the township in order to provide expanded opportunities for the development of affordable housing.

With regard to the 15-percent set-aside, it is noted that the 2016 Housing Element and Fair Share Plan recommends that developers be afforded a certain degree of flexibility in meeting this set-aside requirement by either providing all of the required, 15-percent set-aside onsite, or by a combination of an onsite set-aside and a Payment in Lieu of Construction (PILOC) to fund the development of affordable housing on another site within the township.

The 2016 Housing Element and Fair Share Plan recommends that a developer's ability to provide a PILOC be determined by a point-based assessment of a site's proximity to jobs, transit, schools, civic and public space (incl., recreation facilities), and existing sidewalks. The greater the proximity to these features is, the higher the number of points scored and the higher the on-site requirement will be. The lower the proximity to these features is, the lower the number of points scored and the lower the requirement for the on-site provision will be. Criteria for the accumulation of points is provided in the 2016 Housing Element and Fair Share Plan.

The PILOC, as described in the 2016 Housing Element and Fair Share Plan, will be established on a sliding scale from five percent on-site with a ten-percent PILOC, to 15 percent on-site with no PILOC. To illustrate, multifamily development sites with a total of zero accumulated points would be required to provide an onsite set-aside of five percent (i.e., one-third of the 15-percent set-aside requirement) and a PILOC of ten percent. Multifamily development sites with a total of five accumulated points would be required to provide an onsite set-aside of ten percent (i.e., two-thirds of the 15-percent set-aside requirement) and a PILOC of five percent. Sites with ten

accumulated points would be required to provide the entire, 15-percent set-aside onsite.

With regard to the zoning enhancements, it is noted that, as described in the 2016 Housing Element and Fair Share Plan, the township would enhance the zoning in specific zone districts, but not in single-family zone districts, that are located in areas that have a high estimated number of accumulated points to: 1) permit multifamily development in certain districts where it is currently not a permitted use; and, 2) increase the intensity at which multifamily housing may be constructed in certain areas where it is currently a permitted use.

This master plan reexamination report recommends that the township adopt the 2016 Housing Element and Fair Share Plan in its entirety, and implement the mechanisms it identifies to meet its affordable housing obligation, including the imposition of a 15 percent affordable housing set-aside on all multifamily development throughout the township and the enhancement of zoning in specific zone districts, but not in single-family zone districts. It is further noted that, to maintain the integrity of the township's zone plan, a site's total number of accumulated points should not be considered as a basis for granting a variance for the development of multifamily housing.

Proposed Zoning Amendments

The following amendments, which are depicted in the mapping that is provided in Appendix A, are sought to recognize existing land uses. Consideration for these changes took into account surrounding zone designations and existing uses to maintain the zoning integrity of the surrounding uses. The following are recommended changes to the zone boundaries:

Charles Street and East Warren Street

There are several undersized lots along East Warren Street in Iselin and at the intersection of East Warren Street and Charles Street located at the edge of the R-40 Low Density Single-Family Residential Zone, adjacent to an R-6 High Density Single-Family Residential Zone. It is recommended these properties be rezoned to R-15 to create a transition zone between the R-40 and R-6 zones.

Garden State Parkway North Rest Stop, Colonia

The Garden State Parkway rest stop on the northbound side of the parkway is in the R-40 Low Density Single-Family Residential Zone. It is recommended the two lots located at the northbound parkway rest stop be rezoned as B-3 Highway Business Zone.

Garden State Parkway South Rest Stop, Iselin

The Garden State Parkway rest stop on the southbound side of the parkway is in the R-6 High Density Single-Family Residential Zone. It is recommended the two lots located at the southbound parkway rest stop be rezoned as B-3 Highway Business Zone.

Ludwig Court (Liberty Estates)

There are three single-family homes on Ludwig Court in Fords which are in the B-2 Central Business Zone. It is recommended these properties be rezoned to the adjacent R-6 Single-Family Residential Zone.

Main Street and Metuchen Avenue

There are two parcels on Main Street that are zoned OR Office Research but are commercial in nature. It is recommended the properties be rezoned to B-3 Highway Business Zone.

There are also two existing single-family homes on Metuchen Avenue that are zoned OR. In 2014, a use variance was granted to build five single-family homes on Metuchen Avenue in an area that is zoned OR. There is an existing R-5 High Density Single-Family Zone on the other side of Metuchen Avenue. It is recommended these seven properties be rezoned to R-5 High Density Single-Family Zone.

Peach Street Village

The Peach Street Village in Avenel is a condominium and townhouse development on Route 35 in the B-3 Highway Business Zone. An MF Multi-Family zone exists directly across Route 35 and Woodbine Avenue. It is recommended Peach Street Village be rezoned as MF Multi-Family Zone.

Tobin Place

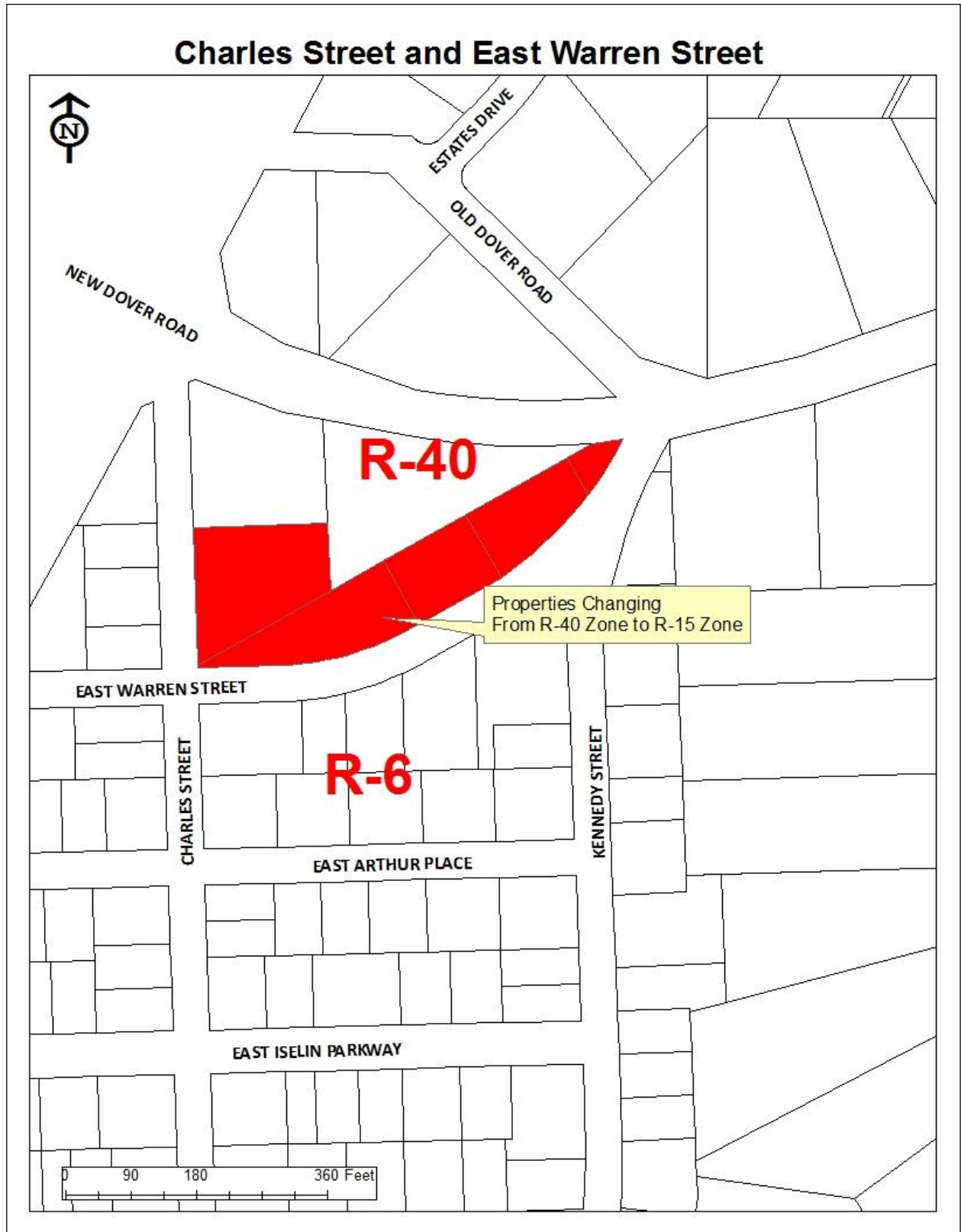
There are two single-family homes on Tobin Place in Colonia in the OSC-PQP (Open Space Conservation-Public-Quasi-Public Zone). It is recommended the two parcels be rezoned as R-7.5 High Density Single-Family Zone.

5. Recommendations Concerning the Incorporation of Adopted Redevelopment Plans

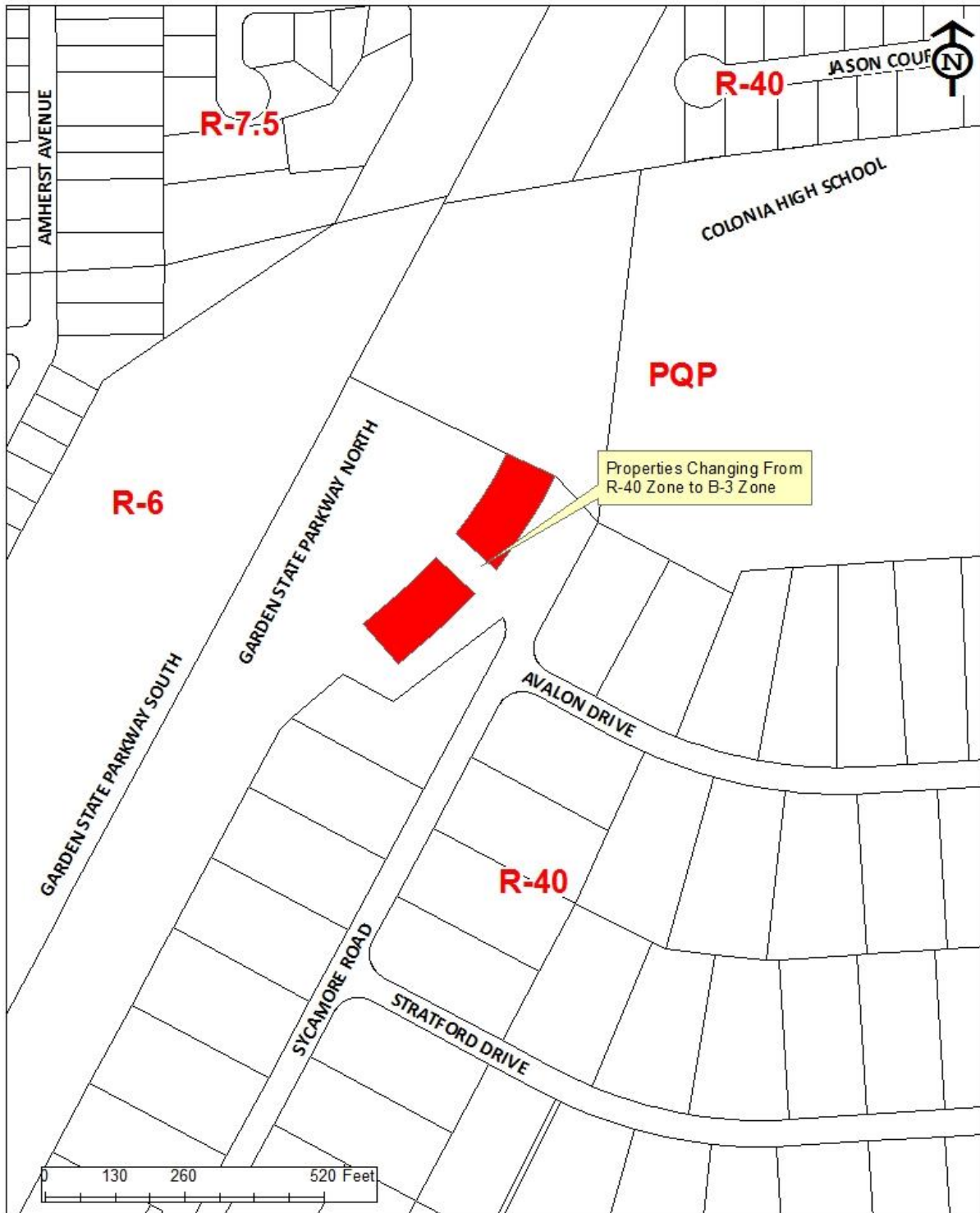
The township has adopted a number of redevelopment plans pursuant to the Local Redevelopment and Housing Law (NJSA 40A-12A-1 et seq.). The areas regulated by these redevelopment plans (i.e., the redevelopment areas) are delineated on the township's current zoning map. No changes to the adopted redevelopment plans or delineation of the redevelopment areas are recommended at this time.



Appendix A: Mapping of Recommended Zone Changes



Garden State Parkway North Rest Stop Colonia



Garden State Parkway South Rest Stop Iselin

