

2011
PERIODIC REEXAMINATION REPORT
OF THE MASTER PLAN AND
DEVELOPMENT REGULATIONS

Andover Township
Sussex County, New Jersey

May 17, 2011

Prepared by the Andover Township Land Use Board

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Periodic Reexamination Report of the
Master Plan and Development Regulations
May 17, 2011

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1.0 EXECUTIVE SUMMARY

The present analysis is focused upon the specific recommendation to designate a 21 acre tract as an “*area in need of rehabilitation*” in accordance with the criteria set forth in the **REDEVELOPMENT AND HOUSING LAW** (N.J.S.A. 40A:12A-1 et seq.) to facilitate the transformation of the site from its former use as a monastery/retreat house to a new affordable housing community. This Reexamination Report also recommends certain modifications to the Township’s Mount Laurel Zone District in order to update the standards therein for the purpose of effectuating the objective of this zone district, namely to create affordable housing. Further, this Report recommends the Land Use Board begin the process of evaluating the viability of reducing the total land area in the Township’s Mount Laurel Zone District.

2.0 INTRODUCTION

The Municipal Land Use Law at N.J.S.A. 40:55D-89, includes the following statement relative to the periodic examination of a municipal Master Plan:

The governing body shall, at least every ten years¹, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 10 years from the previous reexamination.

The first complete Master Plan or Comprehensive Development Plan as it was then known appears to have been prepared in 1958 or 1959. Other comprehensive plans followed in 1976 and again in 1989. In addition, a number of more focused planning studies have been prepared and adopted over the years and are identified in the listing below.

1. Periodic Reexamination Report of the Master Plan and Development Regulations and Amendment to the Master Plan Land Use Plan Element, March 15, 2011
2. Amendment to the Master Plan Land Use Plan Element, March 22, 2010
3. 2010 Periodic Reexamination Report of the Master Plan and Development Regulations, March 22, 2010
4. Evaluation of Groundwater Resources of Andover Township, Sussex County, New Jersey: December 17, 2009
5. Housing Element and Fair Share Plan, December 2008
6. Amendment to the Andover Township 2007 Periodic Reexamination Report of the Master Plan and Development Regulations: May 12, 2008
7. Periodic Reexamination Report of the Master Plan and Development Regulations: December 18, 2007

¹ As amended by P.L. 2011, ch. 65, effective May 4, 2011

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8. Natural Resource Inventory: February 2007
9. Build-Out and Capacity Analysis: May 1, 2007
10. Master Plan Reexamination Report: October 15, 2005; Revised October 31, 2005
11. Amendment to the Master Plan Residential Land Use Plan and Resource Conservation Element: October 15, 2005
12. Housing Plan and Fair Share Plan: October 15, 2005
13. Stormwater Management Plan: April 2005
14. Andover Township State Plan Cross Acceptance Report: December 18, 2004
15. Andover Township Sussex County Strategic Growth Report: December 18, 2004
16. Master Plan Amendment: May 15, 2000
17. 2000 Master Plan Reexamination Report: April 10, 2000
18. Natural Resource Inventory 1999
19. Amendment to Andover Township Master Plan: adopted March 16, 1998
20. Wastewater Management Plan: Revised February 1997
21. Housing Element / Fair Share Plan: adopted June 3, 1996
22. Wastewater Management Plan: Revised December 1996
23. Housing Element / Fair Share Plan: May 15, 1995
24. Master Plan Reexamination Report: 1994
25. Master Plan "From 1989 to 1992": December 7, 1992
26. Route 206 Corridor [Study]: September 1991
27. 1989 Master Plan: September 1989, adopted on August 21, 1991
28. Master Plan Reexamination Report: adopted November 15, 1982
29. Andover Township Recreation Master Plan: 1978
30. Andover Township Master Plan: 1976
31. A Comprehensive Development Plan (1958 estimated)

2.0 FRAMEWORK FOR THE PERIODIC REEXAMINATION OF THE MASTER PLAN

The Municipal Land Use Law sets forth the following five questions to be addressed in preparing the Reexamination Report:

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| <u>C. 40:55D-89a</u> | The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report. |
| <u>C. 40:55D-89b</u> | The extent to which such problems and objectives have been reduced or have increased subsequent to such date. |
| <u>C. 40:55D-89c</u> | The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated |

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- C. 40:55D-89d recyclable materials, and changes in State, county and municipal policies and objectives.
The specific changes for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be proposed.
- C. 40:55D-89e The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law", P.L. 1992, c. 79 (C. 40A:12A-1 et 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.

3.0 C.40:55D-89a: THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE MUNICIPALITY AT THE TIME OF THE ADOPTION OF THE LAST REEXAMINATION REPORT.

The Master Plan Reexamination Report adopted by the Land Use Board on March 22, 2010 identified the need to study the Township's Industrial Zone District which applies to lands in various locations throughout the municipality. The March 15, 2011 Reexamination Report and the Amendment to the Land Use Plan Element implemented the recommendations of the prior year's report.

4.0 C. 40:55D-89b: THE EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO SUCH DATE.

The Land Use Board did recommend that one area of the Township zoned Industrial should be modified to create a General Industrial district wherein certain more intensive industrial activities would be permitted as conditional uses. This objective has been implemented with the creation of the GI-General Industrial zone district as set forth in the 2010 Land Use Plan amendment and Township Ordinance 2010-05. The remaining areas zoned Industrial will be modified once the Township Committee adopts the necessary Ordinance to implement the recommendations set forth in the March 2011 Reexamination Report and Amended Land Use Plan.

5.0 C. 40:55D-89c: THE EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS AS LAST REVISED, WITH PARTICULAR REGARD TO THE DENSITY AND DISTRIBUTION OF POPULATION AND LAND USES, HOUSING CONDITIONS, CIRCULATION, CONSERVATION OF NATURAL RESOURCES, ENERGY CONSERVATION, COLLECTION, DISPOSITION AND RECYCLING OF DESIGNATED RECYCLABLE MATERIALS, AND CHANGES IN STATE, COUNTY AND MUNICIPAL POLICIES AND OBJECTIVES.

Andover Township has diligently pursued various options to implement the affordable housing strategies set forth in the December 16, 2008 **Housing Element and Fair Share Plan** with a particular focus on the St. Paul's Abbey site located within the Township's

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Mount Laurel Zone District. After some 22 years since the inception of the Mount Laurel Zone District, opportunities now are present to expand potable water and sanitary sewer infrastructure across the highway to serve the St. Paul's Abbey site. While no changes are required to the Township's Master Plan to move ahead on this important objective, some modifications to the existing Mount Laurel Zone District standards contained in §190-38 are recommended to maximize the viability of this location for affordable housing.

<p>6.0. C. 40:55D-89d: THE SPECIFIC CHANGES FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS, IF ANY, INCLUDING UNDERLYING OBJECTIVES, POLICIES AND STANDARDS, OR WHETHER A NEW PLAN OR REGULATIONS SHOULD BE PROPOSED.</p>
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6.1 This Master Plan Reexamination Report recommends certain modifications to the zoning regulations pertaining to the Mount Laurel Zone District (§190-38) in order to facilitate the development of affordable housing. The recommended revisions are as follows:

- The “Purpose” clause of §190-38 should identify both low and moderate income housing of the objective for this zone district as opposed to the phrase “lower income households” and should include reference to the Township’s December 2008 Housing Element and Fair Share Plan.
- Eliminate the provisions in Subsections B (2) and (3) which imposes a ratio of affordable units to commercial square footage and which imposes a “net” density limit in the event of a mixed residential/commercial development.
- Eliminate language in Subsection B (5) regarding “market housing”.
- Modify Subsection C (4) to require a 25 foot buffer rather than a 50 foot buffer to all exterior property lines.
- Modify Subsection C (5) with regard to the maximum number of units per building to permit a maximum of 24 units per building in existing buildings as of the date of adoption of the revised Mount Laurel Zone District standards.
- Modify Subsection D (2) to require off-street parking to be consistent with the Residential Site Improvement Standards (RSIS).
- Modify Subsection D (4) (a) to eliminate the cap of 62 low and moderate income households and remove restrictions on multifamily, townhouse or apartment units, however; leave the existing density factor of six units per gross acre in place.
- Modify Subsection D (4) (b), (c) and (d) to remove the rental housing option which allows for density of ten units per acre, to eliminate the cap on the

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number of affordable rental units which is presently 14, and to eliminate the cap on age-restricted units.

- Eliminate Subsection D (7) (a) and (b) as these are not regulatory provisions and serve no purpose in the Ordinance.

6.2 A related recommendation calls for the reevaluation of the area presently located within the Mount Laurel Zone District. If the redevelopment of the St. Paul's Abbey site proceeds as anticipated, it will be possible to scale back the amount of acreage presently zoned for affordable housing. Any formal action on this recommendation should await the resolution of COAH's third round rules or the adoption of legislation which may alter the methodology for calculating a municipality's affordable housing obligation.

<p>7.0 C. 40:55D-89e: THE RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS ADOPTED PURSUANT TO THE "LOCAL REDEVELOPMENT AND HOUSING LAW", P.L. 1992, C. 79 (C. 40A:12A-1 ET 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.</p>

This Reexamination Report recommends that the property known as Lot 35 in Block 153, otherwise known as 350 Route 206, should be designated as "*an area in need of rehabilitation*" in accordance with the criteria set forth in the **REDEVELOPMENT AND HOUSING LAW** (N.J.S.A. 40A:12A-1 et seq.). The property in question, Lot 35, is identified in the Township's December 16, 2008 **Housing Element and Fair Share Plan** (HE/FSP) as one of the key locations to address the Township's affordable housing obligation. The HE/FSP, which received Substantive Certification from the Council On Affordable Housing (COAH) on October 26, 2009, describes this site as follows:

The prior round obligation will be satisfied with one existing group home (now referred to as "supportive/special needs" housing) having four bedrooms which are eligible for credit. In addition the Township is moving ahead with a municipally sponsored 100 percent affordable project with the proposed conversion of a former seminary building /retreat house owned by St. Paul's Abbey located on Block 153, Lot 35 situate on 21 acres (photo, below). The building in questions consists of 24,778 square feet with frontage on the southbound side of State Highway 206.

Sanitary sewerage service is available via a new connection to the existing treatment facility serving the Benedictine monks living quarters, house of worship and related facilities located on the northbound side of Route 206. Potable water will be provided with a new well or a connection to an existing system serving the aforementioned facilities on the opposite side of the highway. The conversion of the existing building is anticipated to provide 24

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units. A new building is also proposed to provide an additional 17 units for a total of 41 low and moderate income units at this location.²



Since the adoption of the HE/FSP, Andover Township has invested its resources to implement the redevelopment of the St. Paul's Abbey site for affordable housing. To that end, the Township commissioned two separate studies of the property in question to determine the viability of converting the former monastery building and the feasibility of constructing new residential buildings for affordable housing. One study – *Sewer and Water Facility Assessment for Proposed Affordable Housing at St. Paul's Abbey Tax Lot 34, Block 153 Andover Township, Sussex County, New Jersey, May 2009* by Harold E. Pellow & Associates, Inc., dated May 11, 2009 – analyzed the need to upgrade the existing potable water and sanitary sewer infrastructure. The second study – *Phase I Environmental Site Assessment / Preliminary Assessment for St. Paul's Abbey Property – Portion of Lot 35, Block 153, 350 Route 206, Township of Andover, Sussex County, New Jersey* by EcolSciences, Inc., dated January 31, 2010 – provides a evaluation of the environmental conditions and potential concerns regarding same with the redevelopment of this site.

Site Description

Lot 35 comprises approximately 21 acres having approximately 1,425 feet of frontage along the southbound lanes of Route 206. The former monastery building was built in 1932 and was in continuous use initially as a seminary, and in later years, as a religious retreat house. The building was last occupied in 2005. The site also contains several barns and sheds, a caretakers' residence, and a one story former chapel/assembly building. A large surface parking lot is situate in the northeast portion of the site adjacent to Rt. 206. The remaining grounds consist of a mixture of woods and open fields, as seen in the aerial photo, below.

² Andover Township, Sussex County, Housing Element/Fair Share Plan, December 16, 2008, page 16.

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Block 153, Lot 35 – View West

The criteria to designate an “*area in need of rehabilitation*” is provided in the **REDEVELOPMENT AND HOUSING LAW** (N.J.S.A. 40A:12A-1 et seq.), specifically N.J.S.A. 40A:12A-14, ***Conditions that warrant rehabilitation*** which are as follows:

- a. A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that there exist in that area conditions such that
 - (1) A significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon or
 - (2) More than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and (3) a program of rehabilitation, as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community. Where warranted by consideration of the overall conditions and requirements of the community, a finding of need for rehabilitation may extend to the entire area of a municipality.

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Findings

The condition of the former monastery/retreat house building clearly meets criteria No. 1. Since its discontinuation in 2005 the building has suffered from acts of vandalism including the removal of a significant portion of the copper piping and collateral wall and floor damage throughout the upper levels. The dilapidated condition of the barns and church which is attached to the monastery/retreat house building is documented in the Phase I report. The entire 21 acre site can be classified as underutilized as the only remaining active uses are the caretakers residence and a small barn for storage of farm equipment associated with the Christmas tree farm owned and operated by the Benedictine monks on Lot 22, Block 151 (opposite side of Rt. 206).

Conclusions

A determination that Lot 35 in Block 153 meets the statutory criteria as an “*area in need of rehabilitation*” will support the modifications to the Mount Laurel Zone District identified in this Reexamination Report. Such a finding will also qualify this location as a “*ready to grow area*” under the New Jersey Housing and Mortgage Finance Agency (NJ HMFA) regulations (N.J.A.C. 5:80-1.1 et seq.) which is critical in creating opportunities to fund affordable housing in Andover Township.