

MASTER PLAN REEXAMINATION REPORT STILLWATER TOWNSHIP SUSSEX COUNTY, NEW JERSEY

September 2022

Adopted by the Stillwater Township Planning Board on October 19, 2022

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ACKNOWLEDGEMENTS

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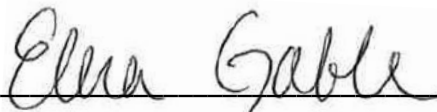
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This report has been signed and sealed in accordance with N.J.A.C. 13:41-1.3

A handwritten signature in black ink, reading "Elena Gable", is written over a horizontal line.

Elena Gable, PP, AICP, CFM

Introduction

This report constitutes a Master Plan Reexamination Report for the Township of Stillwater as defined by the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-89). The purpose of the Reexamination Report is to review and evaluate the local Master Plan and Development Regulations on a periodic basis in order to determine the need for updates and revisions. The Municipal Land Use Law (MLUL) requires that this review be conducted at least every 10 years and requires it be conducted by the Planning Board.

Stillwater Township adopted its last comprehensive Master Plan in 1999 and subsequent Reexamination Reports in December 2006 and most recently in November 2012. The following additional Master Plan Elements have been adopted:

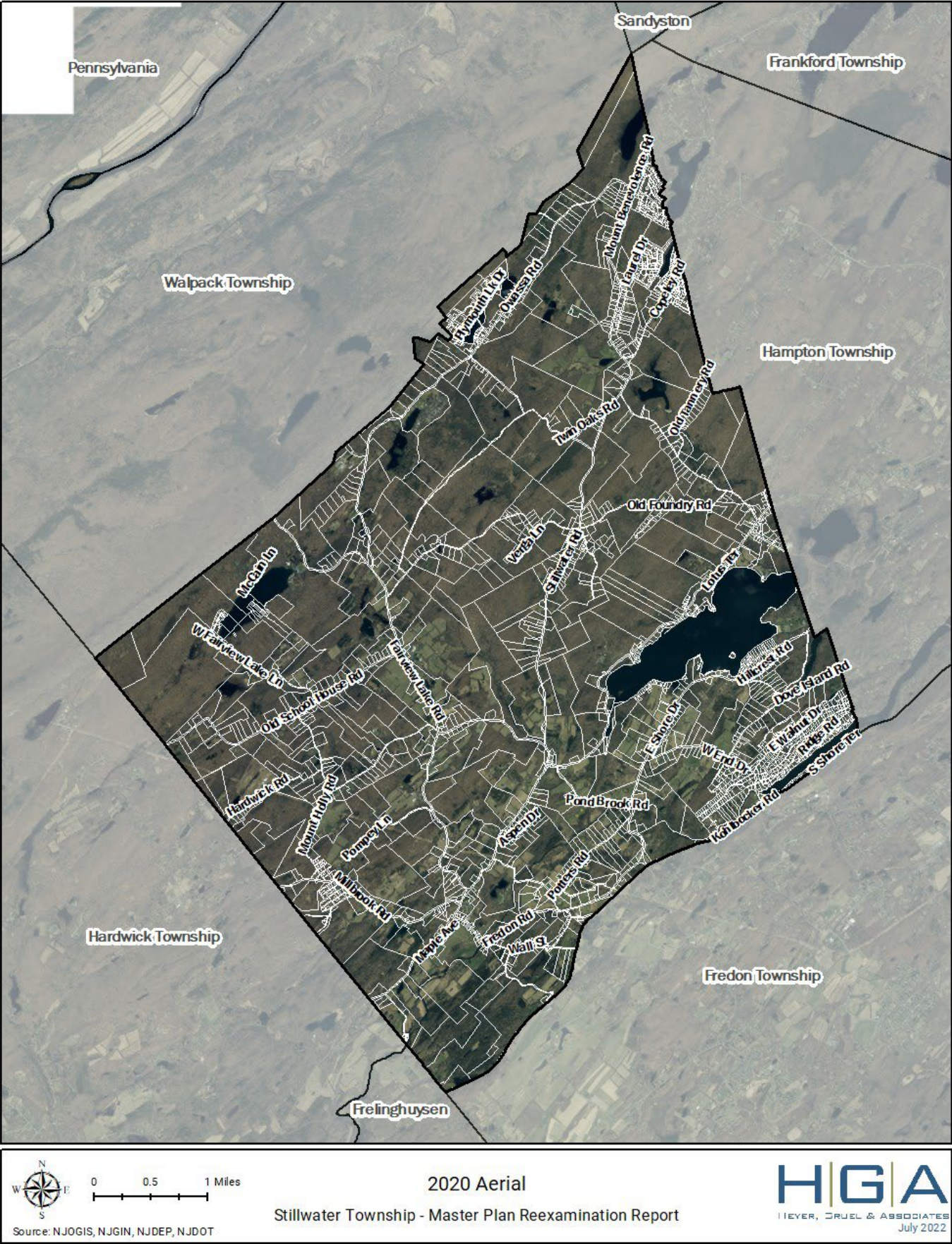
- Stormwater Management Plan (2005)
- Open Space and Recreation Plan (2012)
- Amended Land Use Plan (2012)
- Environmental Resource Inventory (2014)
- Amended Housing Element and Fair Share Plan (March 2016, amended August 2016)

This report has been prepared in order to satisfy the review requirement of NJSA 40:55D-89. Section A of this report identifies the goals and objectives which were established in the 1999 Master Plan, and in the subsequent Reexamination Reports and Revisions. Sections B and C describe changes that have occurred in the Township, County and State since the adoption of these Plans. Finally, Sections D, E and F discuss recommended actions to be addressed by the Township in the future.

Periodic Reexamination of the Master Plan

New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-89) requires the Master Plan Reexamination Report to contain the following:

- A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report;
- 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 regulations should be prepared;
- E. The recommendations of the Land Use 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; and,
- F. The recommendations of the Land Use 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.



A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report

The Goals and Objectives of the 1999 Master Plan, as amended by the 2012 Master Plan Reexamination Report are as follows:

Land Use Plan

Goal 1: To Preserve the Rural Character of Stillwater Township

Implementation Policies

1. Protect against incompatible development which would adversely affect the rural character of Stillwater. Developments of this type would include cookie cutter subdivisions and strip commercial developments
2. Develop community design standards to ensure good visual quality and design for all land use categories.
3. Ensure that new development is visually and functionally compatible with the physical character of the township.
4. Ensure that all development is designated to respect the architectural heritage of the township.
5. Establish designs standards which preserve the streetscapes of the villages and the rural roads within the township.
6. Encourage the establishment of green areas around the historic villages to provide a hard edge in order to properly frame the existing villages.
7. Establish development techniques which will preserve the identified view sheds within Stillwater.
8. Protect and enhance the Township's historic resources from encroachment of roads and adjacent development.
9. Preserve rural features such as stone rows, tree lines, barns, outbuildings and other such structures.
10. Reduce the visual impact of development in wooded areas, a wooded buffer should be maintained between the development and off site public roadways.
11. Protect scenic vistas, hillsides and viewsheds from incompatible development, which includes the removal of trees so that a viewshed is impaired. Viewsheds are important for the overall quality of life and sense of place they provide. The conservation of viewshed lands also helps achieve other related goals:
 - a. Conservation of open space
 - b. Conservation of natural resources and habitats, including threatened and endangered species
 - c. Limiting public exposure to natural or geologic hazards to development
 - d. Parks and recreational opportunities
 - e. Heritage resource preservation and
 - f. Protection of water quality
12. Ensure all qualified (tax exempt) parcels are included in the Recreational Conservation District so that they remain protected from development.
13. Stillwater Township is historically an agricultural community. Farmland remains a large part of the Township's landscape. A substantial portion of the Township is assessed as agricultural land and combined with publicly owned park land and government owned land, this represents over 50% of the total land use in Stillwater Township. Unguided development will cause the irreparable loss of farmland and agriculture in the Township. The loss of farmland will not only result in the loss of

community heritage, but will also contribute to a loss of the open rolling land, stone rows, tree lines, barns, outbuildings and other structures that are characteristic of farmland and the rural scenic quality that the Township desires to retain. Losing farms in Stillwater Township may also affect water quality. Farmers in Stillwater Township have historically been good stewards of the land. Farm and forest lands hold soils and reduce erosion. Thus farmland should be preserved and protected as much as possible.

14. The Township of Stillwater contains areas with karst geology. The term karst describes a distinctive topography that indicates dissolution of underlying carbonate rocks (such as limestone and dolomite) by surface water or ground water over time. This dissolution process causes surface depressions and the development of such features as sinkholes, sinking streams, enlarged bedrock fractures, caves, and underground streams. Sinking streams and sinkholes direct surface water runoff into karst aquifers with little or no attenuation of any transported contaminants. In addition to ground water concerns, karst areas present safety concerns as sinkholes can have damaging effects to large manmade objects. Understanding the relevant land use concerns in carbonate rock areas can facilitate planning and development in those areas. The Township of Stillwater should review the mapped areas with karst geology and identify methods for reducing the potential for aquifer contamination and safety concerns such as sinkholes.

Goal 2: To Provide for the Economic Development of the Township

Implementation Policies

1. Recognize that there will not be a great deal of pressure for large scale non-residential development within the Township for the short term.
2. Reserve sufficient land in appropriate locations for the long term commercial development of the Township.
3. Direct non-residential development into areas which have appropriate access to the road network and avoid environmentally sensitive features and incompatible proximity with residences.
4. Consider locations for “value-added” farm goods production, such as canning of farm vegetables, producing cheese from milk, making sauces or jams from fruits or vegetables, etc.
5. Consider appropriate locations and regulations to govern alternative energy facilities such as wind and solar facilities such that these uses can be developed without impacting the rural and scenic character of the Township.
6. Preserve, promote, and maintain active farms in the Township, particularly supporting farms that work together such as feed farms that supply dairy farms, etc.

Goal 3: To Ensure the Implementation of the Goals and Policies of the Master Plan

Implementation Policies

1. The Master Plan provides a policy basis for a community’s direction. The Plan is implemented through development regulations. To be effective, the Master Plan must be accompanied by land development regulations to assure implementation of goals.
2. Encourage developers to use the informal review process in order to provide opportunity at an early phase to make suggestions for changes to development proposals.
3. Encourage cooperation and seek input from all municipal agencies which have an interest in land development.

The 2012 Master Plan Reexamination Report also states the following issues being of concern in 2012:

- Growing concern related to open space areas in the Township and their ongoing preservation, including the need to protect scenic vistas.
- Growing demand for alternative energy facilities, such as solar farms, recognizing the need for the facility to be balanced with open space and farmland preservation, as well as the protection of scenic vistas
- New residential development should be carefully regulated to preserve water supplies, the Township relies almost entirely on groundwater from individual wells for its water supply and utilities individual sewage treatment systems for wastewater disposal.

B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date

Growing concern related to open space areas in the Township and their ongoing preservation, including the need to protect scenic vistas.

This issue continues to remain relevant.

The Planning Board has received several applications over the past decade with respect to minor subdivisions and lot line adjustments.

However, as indicated in the 2012 Master Plan Reexamination Report, the Township amended its Land Use Plan Element and the Township Committee adopted implementing ordinances to increase the minimum contiguous lot area in order to protect environmentally sensitive areas (wetlands, flood plains, flood hazard areas, areas having a seasonally high-water table at the surface, streams, brooks, river, and lands with steep slopes or shallow depth to bedrock.) The previous Reexamination Report stated that this ordinance change was successful.

The Township further amended the RC Recreation/Conservation District via Ordinance No. 2012-9 in December 2012, rezoning tax-exempt properties, ensuring that they remain protected from development.

Growing demand for alternative energy facilities, such as solar farms, recognizing the need for the facility to be balanced with open space and farmland preservation, as well as the protection of scenic vistas.

This issue is partially addressed.

The majority of the Township is located within Sussex County's Agricultural Development Area, specifically the Kittatinny Valley West 2 Project Area, rendering landowners eligible for farmland preservation through the State Development Agricultural Committee's easement or fee-simple Planning Incentive Grant Program.

Additional land encompassing approximately 495 acres across 15 properties have been purchased by the State and incorporated into either the Trout Brook Wildlife Management Area or the Swartswood State Park.

The Township adopted Ordinance No. 2014-13 on September 2, 2014 permitting solar energy systems as permitted accessory uses on the same lot as a principal use requiring solar energy facilities to provide power for the principal use and not for the generation of power for commercial sale.

The Planning Board has concerns pertaining to the large-scale solar farms, which have been the subject of several use variance applications within the region. While not a permitted use within the Zoning Ordinance, the Board's primary concern is the impact a large-scale solar farm would have on the Township's existing scenic vistas and ridge lines.

New residential development should be carefully regulated to preserve water supplies, the Township relies almost entirely on groundwater from individual wells for its water supply and utilities individual sewage treatment systems for wastewater disposal.

This issue continues to remain relevant.

As mentioned above, the Township has received several applications over the past decade with respect to minor subdivisions and lot line adjustments. Careful review and placement of wells and septic systems should be considered.

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

Since the reexamination of the Township's Master Plan in 2012, there have been changes in the assumptions, policies and objectives that must be addressed in the Township's Master Plan. These include but are not limited to demographic characteristics, housing conditions, affordable housing, and regional plans.

Changes at the Local Level

Demographics

The population trends experienced in Stillwater Township, Sussex County, and New Jersey from 1930 through 2020 are shown in the chart below. In 2020, the Township had a total population 4,004 residents, which represents a 2.3% decrease from 2010. Between 1930 and 2000, the Township's population increased, with the most significant increase occurring between 1970 and 1980, when the population grew by over 80%, or 1,726 persons. Between 2000 and 2010, the Township's population decreased slightly by 3.9% or 168 people, before decreasing slightly by 2.3% or 95 people in 2020.

The Township's population somewhat mirrors trends occurring at the County and State Level. Between 1970 and 1980, Sussex County grew by 49.8%, and the State by 2.7%. However, between 2000 and 2010, both the County and the State experienced continued growth, where the Township's population declined. However, both the Township's and County's populations decreased between 2010 and 2020, where the State's population increased.

Population Trends									
Year	Stillwater Township			Sussex County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percentage		Number	Percentage		Number	Percentage
1930	706	-	-	27,830	-	-	4,041,334	-	-
1940	679	-27	-3.8%	29,632	1,802	6.5%	4,160,165	118,831	2.9%
1950	816	137	20.2%	34,423	4,791	16.2%	4,835,329	675,164	16.2%
1960	1,339	523	64.1%	49,255	14,832	43.1%	6,066,782	1,231,453	25.5%
1970	2,158	819	61.2%	77,528	28,273	57.4%	7,171,112	1,104,330	18.2%
1980	3,887	1,729	80.1%	116,119	38,591	49.8%	7,365,011	193,899	2.7%
1990	4,253	366	9.4%	130,943	14,824	12.8%	7,730,188	365,177	5.0%
2000	4,267	14	0.3%	144,166	13,223	10.1%	8,414,350	684,162	8.9%
2010	4,099	-168	-3.9%	149,265	5,099	3.5%	8,791,894	377,544	4.5%
2020	4,004	-95	-2.3%	144,221	-5,044	-3.4%	9,288,994	497,100	5.7%

The following table represents the Township's population by age cohort for the year 2010 and 2020. During this 10-year time period, the Township's population decreased by 4.9% or 199 people. However, the Township's younger population (those under 24 years old) has decreased, while the Township's senior population (over 65) has increased.

It is important to note that the US Census Bureau is in the process of releasing the results of the 2020 Decennial Census. At this time, the Bureau has not released the 2020 Census data by age cohort.

Population by Age 2010 and 2020, Stillwater Township						
Population	2010		2020 (estimate)		Change, 2010 to 2020	
	Number	Percentage	Number	Percentage	Number	Percentage
Total population	4,099	100.0%	3,900	100.0%	-199	-4.9%
Under 5 years	177	4.3%	93	2.4%	-84	-47.5%
5 to 14	550	13.4%	268	6.9%	-282	-51.3%
15 to 24	503	12.3%	476	12.2%	-27	-5.4%
25 to 34	387	9.4%	512	13.1%	125	32.3%
35 to 44	516	12.6%	261	6.7%	-255	-49.4%
45 to 54	798	19.5%	687	17.6%	-111	-13.9%
55 to 64	709	17.3%	615	15.8%	-94	-13.3%
65 and over	459	11.2%	988	25.3%	529	115.3%

Source: 2010 US Census Bureau Table DP-1; 2016-2020 ACS 5-Year Estimates S0101

Housing Characteristics

According to the recently released 2020 Decennial Census, Stillwater Township had a total of 1,943 housing units in 2020, of which 82.8% were occupied and 17.2% were vacant. As of the writing of this Report, not all the statistics from the 2020 Decennial Census have been released, such as statistics pertaining to owner- and renter-occupied housing units.

Housing Characteristics		
	Number	Percentage
Total Housing Units	1,943	100.0%
Occupied	1,609	82.8%
Vacant	334	17.2%

Source: 2020 Dec Redistricting Data (PL94-171)

	Number	Percentage
Total Occupied Housing Units (est.)	1,511	100.0%
Owner-Occupied Housing Units	1,354	89.6%
Renter-Occupied Housing Units	157	10.4%

Source: ACS 2016-2020 5-year estimates, S2501

Based upon the ACS 2016-2020 5-year estimates, housing construction remained relatively steady between 1940 through 1989, peaking between 1980 to 1989. The majority of the Township's housing was built prior to 1990 (approximately 93%) and has a median year of construction of 1962.

Year Structure Built		
	Number	Percentage
Built 1939 or earlier	428	24.5%
Built 1940 to 1949	187	10.7%
Built 1950 to 1959	205	11.7%
Built 1960 to 1969	308	17.6%
Built 1970 to 1979	204	11.7%
Built 1980 to 1989	301	17.2%
Built 1990 to 1999	84	4.8%
Built 2000 to 2009	6	0.3%
Built 2010 or later	25	1.4%
Total	1,748	100.0%
Median Year Structure Built	1962	

Source: ACS 2016-2020 5-year estimates, B25034, B25035

Employment Characteristics

The 2016-2020 ACS 5-year estimates reveal that 62.9% of the population aged 16 and over in Stillwater Township is in the labor force, where 68.0% of the County's population 16 years and over is in the labor force. All of the Township's population is classified as being in the civilian labor force, with the majority being employed. These trends are also experienced within the County, where nearly all the labor force consists of civilian labor force.

Employment Stillwater Township and Sussex County, 2020 Estimates				
	Stillwater Township		Sussex County	
	Number	Percentage	Number	Percentage
Population 16 years and over	3,435	100.0%	117,011	100.0%
In labor force	2,159	62.9%	79,621	68.0%
Civilian Labor Force	2,159	62.9%	79,614	68.0%
Employed	1,969	57.3%	75,433	64.5%
Unemployed	190	5.5%	4,181	3.6%
Armed Forces	0	0.0%	7	0.0%
Not in labor force	1,276	37.1%	37,390	32.0%

Source: ACS 2016-2020 5-year Estimates, DP03

The following chart shows the industry of those employed living within Stillwater Township. The most common industries in the Township include education services, and health care and social assistance (18.2%), construction (17.4%), and professional, scientific, and management, and administrative and waste management services (15.7%). These three industries comprise of over half of the employed civilians living in the Township.

Employment by Industry, 2020 estimates		
	Number	Percentage
Civilian employed population 16 years and over	1,969	100.0%
Agriculture, forestry, fishing and hunting, and mining	43	2.2%
Construction	342	17.4%
Manufacturing	159	8.1%
Wholesale trade	16	0.8%
Retail trade	148	7.5%
Transportation and warehousing, and utilities	133	6.8%
Information	0	0.0%
Finance and insurance, and real estate and rental and leasing	89	4.5%
Professional, scientific, and management, and administrative and waste management services	309	15.7%
Educational services, and health care and social assistance	358	18.2%
Arts, entertainment, and recreation, and accommodation and food services	149	7.6%
Other services, except public administration	94	4.8%
Public administration	129	6.6%

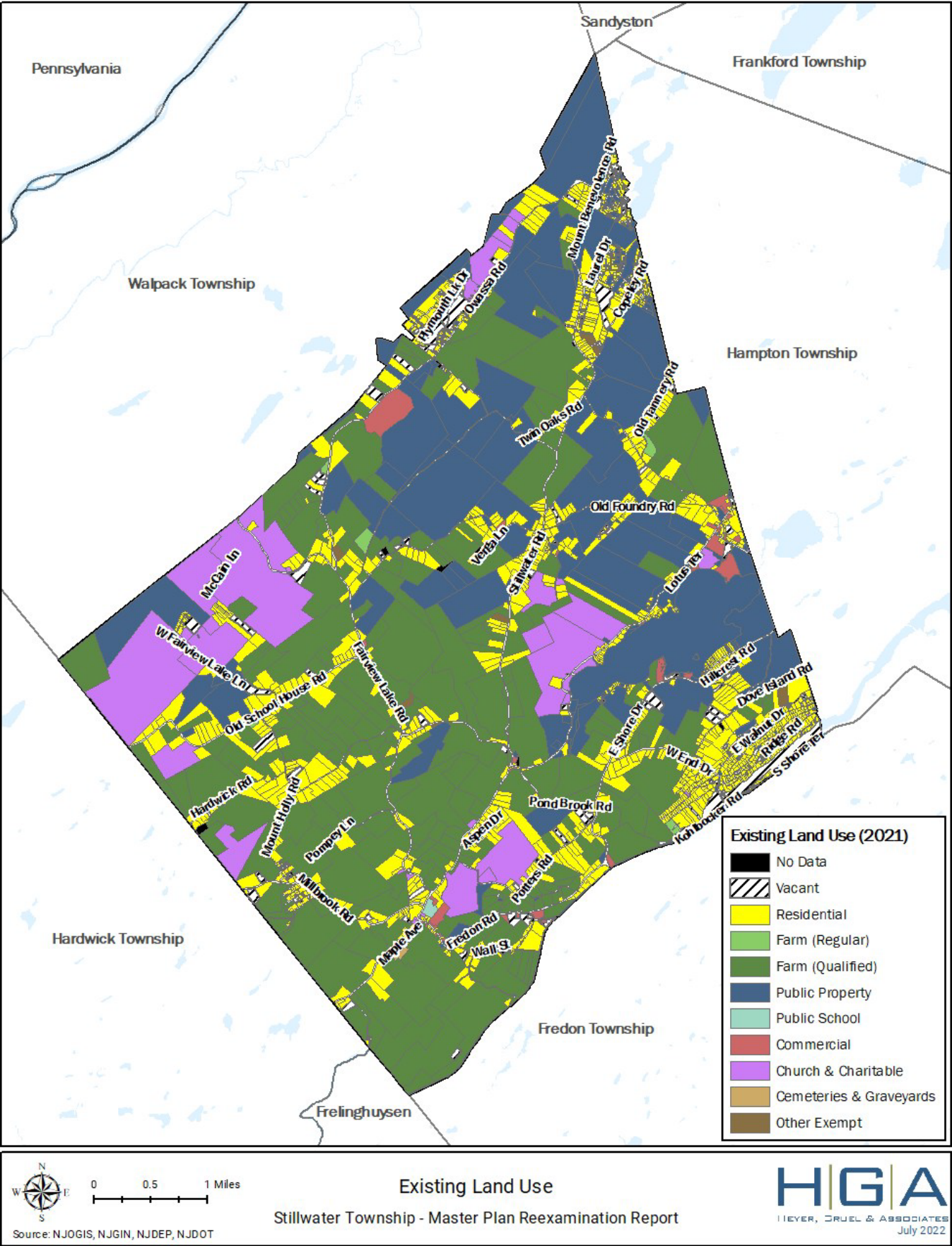
Source: ACS 2016-2020 5-year Estimates, DP03

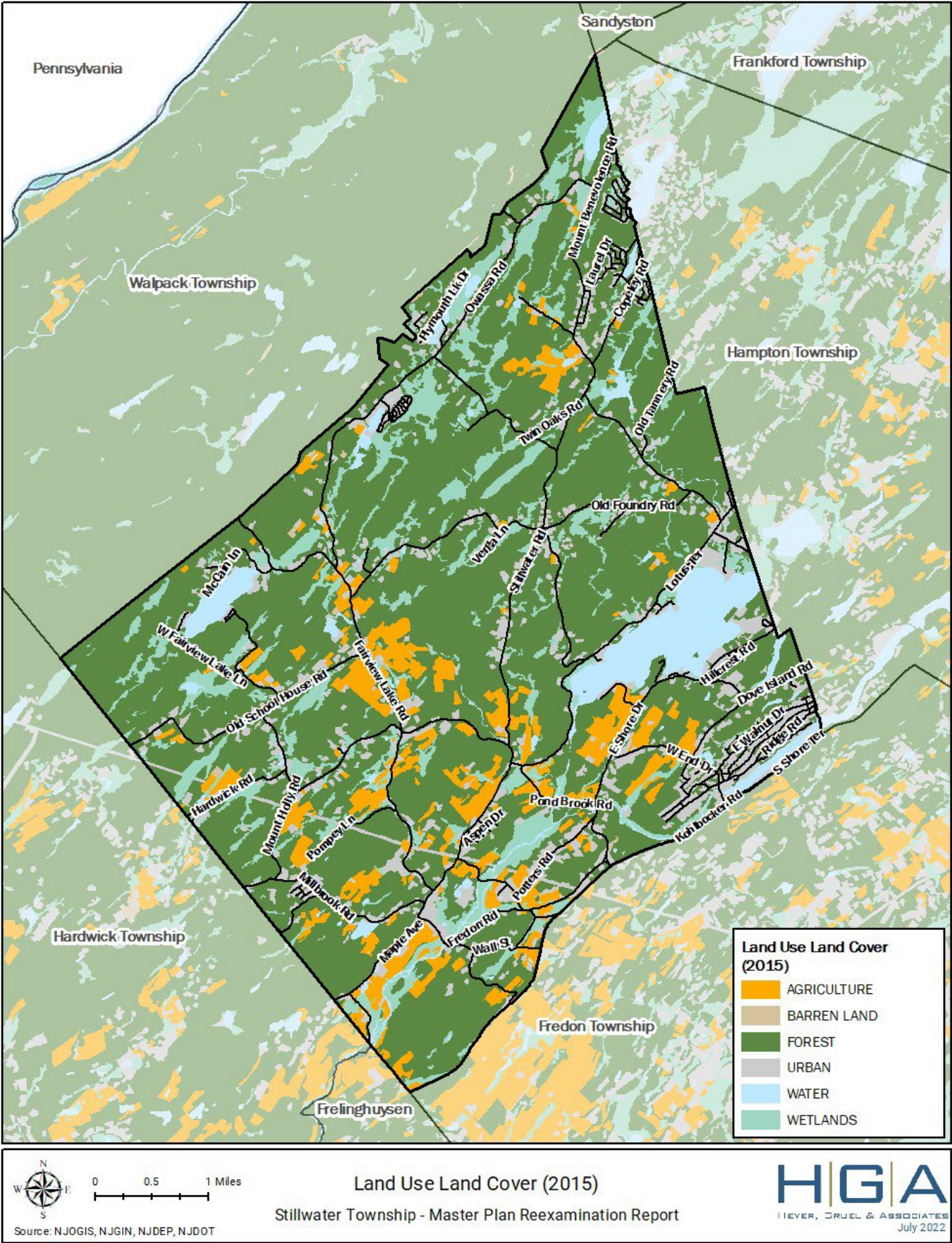
Existing Land Use

Based upon the Township's 2021 Tax Assessment Records and available GIS parcel data, the Township is comprised of approximately 2,597 parcels, totaling 17,569.3 acres. The following chart shows the number of parcels and the acreage associated with each classification based upon tax assessment records:

Existing Land Use (2021 Tax Assessment Records)		
Classification	Acres	Percentage
Vacant	473.1	2.7%
Residential	3,036.0	17.3%
Farmland (Regular)	37.8	0.2%
Farmland (Qualified)	7,183.5	40.9%
Commercial	162.6	0.9%
Public School	9.0	0.1%
Public Property	4,855.1	27.6%
Church & Charitable	1,737.2	9.9%
Cemeteries & Graveyards	7.6	0.0%
Other Exempt	40.7	0.2%
No Data	26.7	0.2%
Total	17,569.3	100.0%

As shown in the chart above, qualified farmland makes up the largest area of the Township (over 7,100 acres), followed by public property (over 4,850 acres). Together, both farmland and public property represent approximately 68.5% of the Township's parcel area. The following map shows the location of the Township's existing land use based upon 2021 Tax Assessment Records.





In addition to tax assessment records, New Jersey Department of Environmental Protection's Land Use Land Cover (LULC) also provides a snapshot of existing land uses within the Township. Using aerial photography and remote sensing technology, land use is categorized as either agricultural, barren land, forest, urban, water, or wetlands. The map entitled "Land Use Land Cover (2015)" shows the location of these land uses within the Township.

Land Use Land Cover		
	Acres	Percentage
Agriculture	1,507.5	8.3%
Barren Land	17.5	0.1%
Forest	11,218.8	62.1%
Urban	2,276.5	12.6%
Water	990.1	5.5%
Wetlands	2,065.8	11.4%
Total	18,076.2	100.0%

As shown in the chart above and on the LULC map, nearly two-thirds of the Township consists of forested areas. Urban areas, located along the Township's roadways and adjacent to lakes, occupy 12.6% of 2,276.5 acres. Wetland areas, located adjacent to lakes and streams in the Township, occupy 11.4% or 2,065.8 acres.

Sustainability and Resiliency

Municipalities in New Jersey are following national and global trends towards planning for enhanced environmental sustainability and community resiliency. Land use planning and land development policies play a key role in advancing resiliency and sustainability initiatives because land development policies mediate the natural and built environments.

Sustainability is defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. In 2011, the Township Committee passed a Resolution supporting participation in the Sustainable Jersey Municipal Certification Program. Sustainable Jersey is a statewide voluntary program that encourages municipalities to implement sustainable practices across many community development dimensions. To date, the Township's Green Team has not earned enough points to become certified.

Affordable Housing Third Round (2017)

The "Third Round" of affordable housing obligations within New Jersey has been a decades-long conflict over methodologies. The Coalition on Affordable Housing (COAH) made no progress for years in adopting a constitutional framework for affordable housing and so, in March 2015, the New Jersey Supreme Court disbanded COAH. In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), the Court held that because COAH was moribund, trial courts were to resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations. The Mount Laurel IV decision also established a transitional process for municipalities to seek temporary immunity and ultimate a Judgment of Compliance and Repose (JOR) or the "judicial equivalent" of Substantive Certification from COAH.

On January 18, 2017 in In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant To The Supreme Court's Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mount

Laurel V”), the Court decided that for the sixteen year period between 1999 and 2015 (known as the “gap period”) when COAH failed to implement rules creating fair share obligations for municipalities, the Mount Laurel constitutional obligation did not go away. Therefore, municipalities continue to be responsible for the need created during the gap period.

The Township adopted a Housing Element and Fair Share Plan in March 2016, amended through August 2016, which outlines the strategies that will be implemented to meet its affordable housing obligation.

Amended Land Use Plan (2012)

The Township amended its Land Use Plan in 2012, which included additional goals and objectives pertaining to the Land Use Plan Element. The Amended Land Use Plan Element recommends the Township consider locations for value-added farm goods production, consider appropriate locations and regulations for alternative energy facilities, preserve promote and maintain active farms in the Township. It also recommends that the Township should consider agri-business and agri-tourism.

Changes at the County Level

Since 2012, the County has adopted and/or updated the following planning documents:

Open Space and Recreation Plan (2016)

The Sussex County Open Space and Recreation Plan notes that Stillwater Township has 6,737 acres of total preserved lands consisting of federal parks, state parks and trails, municipally owned land, preserved lands, and non-profit lands. The Plan also notes that the Township has an Open Space Trust Fund use for the acquisition, maintenance and development of municipal lands.

Sussex County Complete Street Policy and Implementation Plan (2014)

The County’s Complete Street Policy and Implementation Plan was prepared to encourage municipalities to provide multimodal transportation options to residents and businesses while also serving as a guide to both rural and suburban communities throughout the North Jersey Transportation Authority Region (NJTPA).

Sussex County Multi-Jurisdictional Hazard Mitigation Action Plan 2021 Update

The 2021 Sussex County HMP includes individual plans for each municipality within the County, including the Township of Stillwater. The Plan identifies projects that can help to reduce damages from future natural hazards, such as flooding, drought, extreme weather, and others. The HMP also evaluates the risks and identifies planned projects designed to prevent and mitigate the effects of future natural disasters. The Plan identifies the following vulnerabilities and hazards in the Township:

- Low Hazard Rankings:
 - Earthquake
 - Geologic
 - Wildfire
- Medium Hazard Rankings:
 - Dam Failure
 - Disease Outbreak
 - Drought
 - Flood
 - Hazardous materials
 - Invasive species
- High Hazard Rankings:

- Hurricane and Tropical Storm
- Nor'Easter
- Severe Weather
- Severe Winter Weather

The 2021 HMP lists 7 proposed Hazard mitigation initiatives that the Township can implement in their hazard mitigation and resilience efforts. All of the initiatives are identified as high priority:

- Roof replacement of Emergency Operations Center
- Kohlblocker Road
- Flood damage prevention ordinance
- Duck Pond Road
- Vegetation Management
- Controlled burns
- Stand pipes and dry hydrants

Changes at the State Level

Municipal Land Use Law Amendments

Since the adoption of the 2012 Reexamination Report, changes made to the MLUL have presented implications for the Township and its land use policies and ordinances.

2013 Cluster Development

The first 2013 amendment added a definition, purpose, and standards related to cluster development. Cluster development involves concentrating development within a portion of a site in order to protect and preserve environmentally sensitive features.

2013 Performance Guarantees

The second 2013 amendment was related to transferring performance guarantees between a developer and its successor.

2015 Noticing

The 2015 amendment allowed for the transmittal of certain notice documents via email.

2016 Military Bases

The 2016 amendment added a new purpose of the Act and includes definitions and standards related to land use planning near military bases.

2017 Performance and Maintenance Guarantees

The first 2017 amendment modified the scope of improvements that could be covered by performance and maintenance guarantees. A performance and maintenance guarantee can only be required for improvements within a public right-of-way and those affecting adjacent properties such as buffer areas and the like.

2017 Smart Growth

The second 2017 amendment requires the Land Use element of a municipality's Master Plan to address "smart growth which in part, 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 issues.”

2019 Municipal Public Access Plan as Optional Master Plan Element

The first 2019 amendment added the Municipal Public Access Plan as an optional Master Plan Element: “A public access plan element that provides for, encourages, and promotes permanently protected public access to all tidal waters and adjacent shorelines consistent with the public trust doctrine, and which shall include a map and inventory of public access points, public facilities that support access, parking, boat ramps, and marinas; an assessment of the need for additional public access; a statement of goals and administrative mechanisms to ensure that access will be permanently protected; and a strategy that describes the forms of access to satisfy the need for such access with an implementation schedule and tools for implementation.”

2019 Zoning Board Backlogs

The second 2019 amendment to the MLUL allows for the creation of supplemental zoning boards in order to address backlogs of applications under certain circumstances.

2019 Electric Vehicle Charging Infrastructure

The third 2019 amendment deals with electric vehicle charging and became effective November 6, 2019. The MLUL was amended include provisions for electric vehicle charging stations:

- The first component of this amendment involves the preparation, modification, and required contents of a Master Plan (N.J.S.A. 40:55D-28). The components of the Land Use Element (a required Master Plan Element) have been updated to include a provision requiring the Element to show the “existing and proposed location of public electric vehicle charging infrastructure.”
- The second component of this amendment involves the requirements of the Master Plan Reexamination Report (N.J.S.A. 40:55D-89). A new required section, Section F, has been added. This new section states the reexamination report shall state “the recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure... and recommended changes, if any in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.”

Climate Change and Vulnerability Assessment

On February 4, 2021, Governor Murphy signed into law an amendment to N.J.S.A. 40:55D-28, which states the preparation, contents, and modification requirements to Master Plans. The amendment requires that any Land Use Plan Element adopted after February 4, 2021 must include a “Climate Change-Related Hazard Vulnerability Assessment.” The Assessment is mandatory and includes:

- 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 development in the municipality, and an assessment of the threats and vulnerabilities related to that development;
- 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.

Local Redevelopment and Housing Law

2013 Amendments

In 2013, two changes were made to amend criterion ‘e’ based on the *Gallenthin v. Paulsboro* decision, and to modify the notice requirements based on the *Harrison v. DeRose* decision. These changes were made in response to concerns regarding the use of eminent domain. The language of Criterion ‘E’ was amended to require that a property be “unproductive” rather than “not fully productive.” Additional notice requirements were instituted to require a statement at the outset of the redevelopment process whether properties in a potential redevelopment area could be subject to condemnation.

The 2013 legislation also amended and clarified the conditions necessary to classify an area in need of rehabilitation when there is evidence of environmental contamination.

2019 Amendment

Effective November 6, 2019, the Local Redevelopment and Housing Law was amended to update the requirements of a Redevelopment Plan (N.J.S.A. 40A:12A-7). Paragraph a.8. was added to require a redevelopment plan to include “proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.”

Additionally, Criterion “b” of the LRHL was expanded to include the discontinuance or abandonment of buildings used for retail, shopping malls and office parks, as well as those buildings which have had significant vacancies for at least two (2) consecutive years.

Flood Hazard Area Control Act Update (2016)

The Flood Hazard Area (FHA) Control Act Rules, N.J.A.C. 7:13 were adopted on November 5, 2007 and amended on June 20, 2016. The FHA rules implement the New Jersey Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.). Because development within flood hazard areas can compound the frequency and intensity of flooding, the FHA rules incorporate strict standards for development within flood hazard areas to mitigate the adverse effects of development. The 2016 comprehensive amendment reduced unnecessary burdens, added appropriate flexibility, and provided better consistency with Federal, local, and other State requirements. The amendment additionally addressed several implementation issues that had been identified since the implementation of the 2007 rules.

Rideshare Programs (2017)

In 2017, New Jersey adopted regulations establishing statewide standards for ridesharing companies like Uber and Lyft. The law includes procedures designed to protect the consumer, such as criminal background checks for drivers and standards for insurance coverage.

Short Term Rental Regulations (2018)

In June 2017, the New Jersey Legislature passed a bill to tax short-term rentals (AB 4587). The bill proposed to extend the state sales and use tax and hotel and motel occupancy fee to “transient accommodations.” The bill defines “transient accommodations” as a “room, group of rooms, or other living or sleeping space for the lodging of occupants, including but not limited to residences or buildings used as residences.” Renters would be responsible for paying the taxes and fees. The bill, however, was vetoed by Governor Christie.

In July of 2018, P.L. 2018, Chapter 49 was approved, which allows municipalities to impose the following taxes and fees on transient accommodations where applicable: the municipal occupancy tax, the sports and entertainment facility tax- Millville, the Atlantic City luxury tax, the Atlantic City promotion fee, the Cape May County tourism tax and assessment, and the hotel occupancy tax. This new law mandates that transient space marketplaces, like Airbnb, collect and pay the tax on behalf of the property owner.

In response to rising concerns about P.L. 2018, C. 49, Governor Murphy signed Assembly Bill 4814/4520, which applies to “rentals of professionally managed units and rentals obtained through a transient space marketplace or travel agency, as long as the transient space marketplace or travel agency does not exclusively offer transient accommodations owned by the marketplace or travel agency”, effectively excluding transactions made directly between property owners and renters.

COVID Permit Extension Act (2020)

The year 2020 saw the emergence of the COVID-19 global pandemic, which caused a temporary shutdown of many government services. On July 1, 2020, Governor Murphy signed the Permit Extension Act of 2020, P.L. 2020, c.53 (“Chapter 53”) into law as a response to the COVID-19 pandemic. The purpose of this law is to provide a relaxation of the requirements for municipal action related to deadlines under the MLUL. Chapter 53 effectively extends the terms of all governmental permits, approvals and deadlines, which were due to expire on March 9, 2020 until at least six (6) months after the end of the public health emergency (the “COVID-19 Extension Period”). The suspension applies to state and local permits and approvals including New Jersey Department of Environmental Protection (NJ DEP) issued land use approvals, municipal land use approvals, flood hazard permits, water supply permits and certifications, water quality management plan approvals and other environmental approvals.

On June 4, 2021, Governor Murphy signed law A.5820 and Executive Order E0244 which terminated the Covid-10 Public Health Emergency, marking the end of the Covid-19 Permit Extension Act.

New Jersey’s Global Warming Response Act 80x50 Report (2020)

In 2020, the NJDEP in partnership with numerous agencies including the Board of Public Utilities, Economic Development Authority, Division of Community Affairs, NJ Transit, Department of Labor, Department of Transportation, and the Department of Agriculture, issued New Jersey’s Global Warming Response Act 80x50 Report for Evaluating Our Progress and Identifying Pathways to Reduce Emissions by 80 percent by 2050.

The Report analyzes existing policies and programs and provides options to assist policymakers in crafting new initiatives to bridge the emissions reductions gap. Key strategies to achieve the 80% reduction by 2050 include 100% clean energy, 100% light-duty electric vehicles, and 90% of buildings being electrified. The

Report analyzes transportation, residential and commercial buildings, electric generation, industrial sector, and waste and agriculture.

2020 New Jersey Scientific Report on Climate Change

In addition, in June 2020, NJDEP released the 2020 New Jersey Scientific Report on Climate Change. This report evaluated climate change and its effects, as well as its effects on resources and ecosystems.

The Report details the effects of climate change on temperature, precipitation, sea-level rise, ocean acidification, air quality, water resources, agriculture, forests, wetlands, terrestrial carbon sequestration, terrestrial systems, freshwater systems, marine systems and cyanobacteria.

Cannabis Regulations (2021)

Assembly Bill 21 / Senate Bill 21 was introduced on November 5, 2020 and adopted by both houses on December 17, 2020 and was signed by the Governor on February 22, 2021. The bill legalizes personal use cannabis for certain adults, subject to state regulation, decriminalizes small amounts of marijuana and hashish possession, and removes marijuana as a Schedule I drug. The bill defines 6 classes of license based on different operational aspects. For municipalities, Section 31 provides an option to adopt Municipal Regulations or Ordinances that permit or prohibit one or more classes of license within the municipality along with regulating time, manner, place, and quantity. Section 40 permits municipalities to levy an optional Cannabis “Transfer Tax and User Tax” that is capped at 1% of wholesale activities and 2% of cultivation, processing, and retail activities.

Ordinances that prohibit or otherwise regulate cannabis that predate the Act are not valid, a new Ordinance would need to be adopted within 180 days of passage of the Act. If an Ordinance regulating / prohibiting one or more classes of license is not adopted within 180 days, then any class not prohibited will be deemed permitted in the following locations:

1. Classes 1, 2, 3, 4, and 6 will be permitted in all Industrial Zones;
2. Class 5 will be permitted in all Retail / Commercial Zones.

After 180 days, if a municipality does not prohibit one or more classes, it must wait five (5) years to adopt an ordinance that prohibits cannabis uses. At that time, the ordinance would be prospective and would not apply to any lawfully existing businesses that open during the five-year period.

The Township adopted Ordinance No. 2021-06 on May 4, 2021, prohibiting all classes of cannabis establishments within the Township.

NJTPA Long Range Transportation Plan (2021)

The North Jersey Transportation Planning Authority adopted its Long-Range Transportation Plan (“Plan 2050”) on September 13, 2021. The Plan outlines the existing conditions of the State’s transportation network, including context, trends and performance. The Plan contemplates a number of environmental factors that present challenges to future transportation planning as North Jersey continues to face development pressures, such as climate change, air quality, environmental mitigation, water quality, open space and wildlife habitats, and cultural and historic resources.

Climate Change Resilience Strategy (2021)

The State of New Jersey issued a Climate Change Resiliency Strategy in April of 2021, building upon the findings of the 2020 Scientific Report on Climate Change. This Report outlines six priorities with strategies which include:

1. Build Resilient and Healthy Communities
 - 1.1 Integrate Resilience into Local and Regional Planning
 - 1.2 Increase Technical Assistance Programs to Address Community Resilience
 - 1.3 Modify Regulatory Programs to Address Climate Change Impacts and Encourage Adaptation Over Time
 - 1.4 Decrease Vulnerability of Existing Infrastructure and Development
 - 1.5 Incentivize Sustainable Growth and Redevelopment that Incorporates Resilience and Investment in Safer Areas
 - 1.6 Integrate Public Health into Community Resilience Planning and Activities
2. Strengthen the Resilience of New Jersey's Ecosystems
 - 2.1 Promote Resource Conservation and Natural Lands Management to Strengthen Ecological Resilience
 - 2.2 Manage Agricultural Lands, Forests, and Other Ecosystems for Climate Impacts and Environmental Stressors
 - 2.3 Deploy Natural and Nature-based Solutions for Resilience
3. Promote Coordinated Governance
 - 3.1 Ensure Continuing Efforts by the Interagency Council on Climate Resilience to Lead a Coordinated, Whole-of-government Approach to Resilience
 - 3.2 Actively Engage Local Governments and Other Partners to Develop Resilience Solutions
 - 3.3 Incorporate Equity and Inclusion in Resilience Decision-making
4. Promote Climate-Informed Investments and Innovative Financing
 - 4.1 Expand Public Communication Efforts on Climate Change and Impacts on New Jersey
 - 4.2 Expand Climate Change Education and Training Opportunities
 - 4.3 Integrate Climate Change Vulnerability and Impacts into State Assessments
 - 4.4 Build a Collaborative Research Agenda to Guide Future Climate Resilience Research
5. Coastal Resilience Plan
 - 5.1 Integrate Climate Change into Existing State Investments and Funding Decisions
 - 5.2 Expand the Availability of Financing for Resilience Investments from Public and Private Sources
 - 5.3 Ensure Equity and Transparency in Resilience Investments

State Development and Redevelopment Plan

According to the State Development and Redevelopment Plan (SDRP), adopted by the State Planning Commission in 2001, the Township is located within Planning Area 4: Rural Planning Area (approximately 2,121.4 acres), Planning Area 4B: Rural Environmentally Sensitive Planning Area (approximately 2,426.4 acres), Planning Area 5: Environmentally Sensitive Planning Area (approximately 11,134.1 acres), and areas that are classified as Parks and Natural Areas (approximately 2,394.4 acres).

According to the SDRP, the intention of the Rural Planning Area is to:

- Maintain the Environs as large as contiguous areas of farmland and other lands;
- Revitalize cities and towns;

- Accommodate growth in Centers;
- Promote viable agricultural industry;
- Protect the character of existing, stable communities; and
- Confine programmed sewers and public water services to Centers.

The State Plan recommends “protecting the rural character of the area by encourage a pattern of development that promotes a stronger rural community in the future while meeting the immediate needs of rural residents, and by identifying and preserving farmland and other open lands. The Plan also promotes policies that can protect and enhance the rural economy and agricultural industry, thereby maintaining a rural environment.”

The Rural Environmentally Sensitive Planning Area has one of more environmentally sensitive features. The intentions of this planning area are the same as those mentioned previously in the Rural Planning Area, and that is to:

- Maintain the Environs as large as contiguous areas of farmland and other lands;
- Revitalize cities and towns;
- Accommodate growth in Centers;
- Promote viable agricultural industry;
- Protect the character of existing, stable communities; and
- Confine programmed sewers and public water services to Centers.

The objectives of the Rural Environmentally Sensitive Areas are those of the Environmentally Sensitive Planning Area.

The State Plan provides for “the protection of critical natural resources and for the maintenance of the balance between ecological systems and beneficial growth. The ecological systems of the Environmentally Sensitive Planning Area should be protected by carefully linking the location, character and magnitude of the development of the capacity of the natural and built environment to support new growth and development on a long-term sustainable resource basis. Large contiguous areas of undisturbed habitat should be maintained to protect sensitive natural resources and systems. Any new development that takes place in the Environmentally Sensitive Planning Area should capitalize on the inherent efficiencies of compact development patterns found in existing Centers.” Moreover, the SDRP states that, Rural Planning Areas need strong Centers and that Centers should attract private investment that otherwise might not occur.

Draft State Strategic Plan (2011)

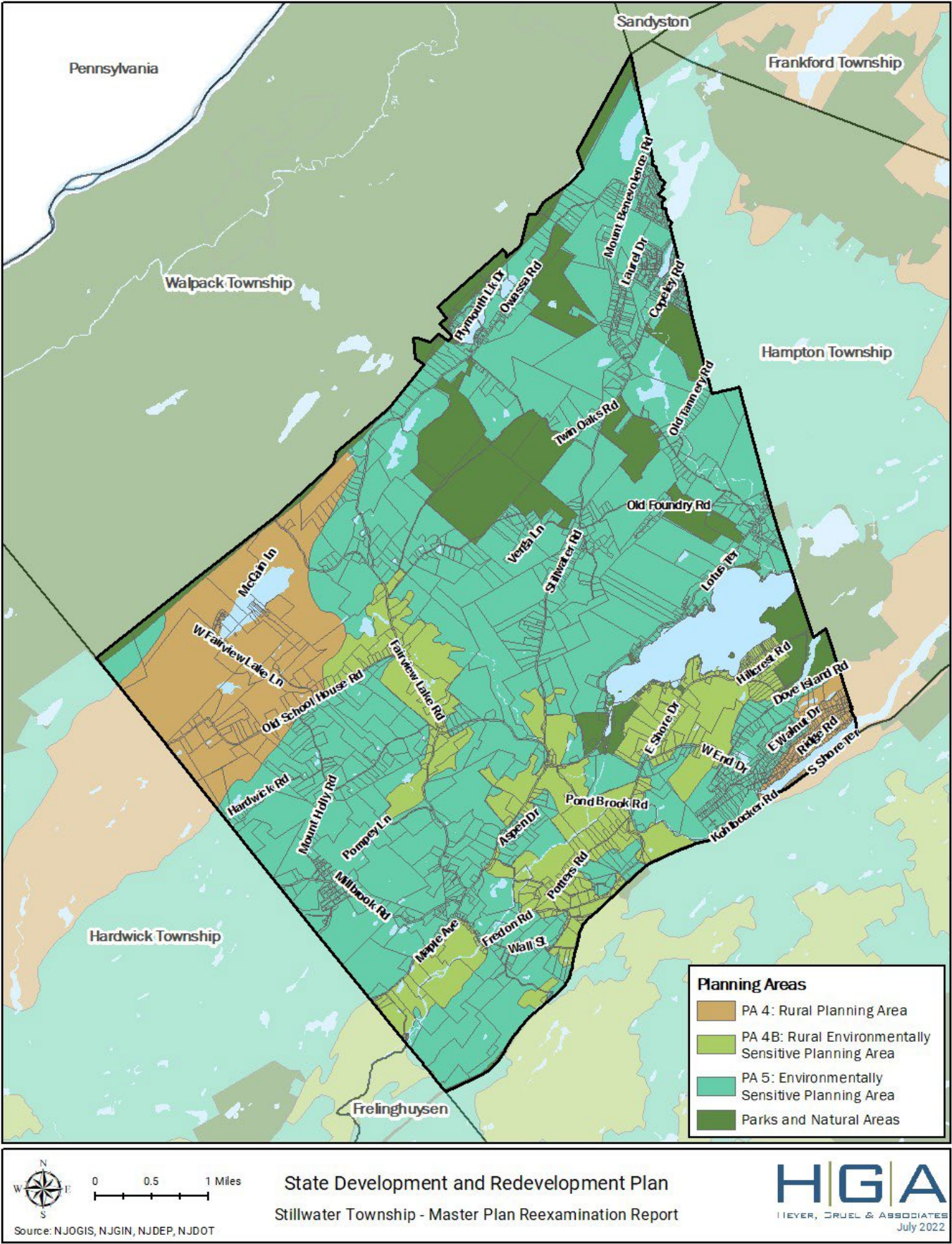
The 2011 State Strategic Plan contains four over-arching goals that “incorporate[s] administrative actions, legislative and regulatory forms, and public investment prioritization.” These goals are as follows:

- Goal 1: Targeted Economic Growth
- Goal 2: Effective Planning for Vibrant Regions
- Goal 3: Preservation and Enhancement of Critical State Resources
- Goal 4: Tactical Alignment of Government

The Strategic Plan further states “these goals must work in tandem as their interrelationship represents a critical piece of the State’s blue print for success.”

Additionally, the 2011 State Strategic Plan articulates a number of goals as Garden State Values, stated as follows:

- Garden State Value #1: Concentrate development and mix uses.
- Garden State Value #2: Prioritize Redevelopment, infill, and existing infrastructure.
- Garden State Value #3: Increase job and business opportunities in priority growth investment areas.
- Garden State Value #4: Create High-Quality, Livable Places.
- Garden State Value #5: Provide Transportation Choice & Efficient Mobility of Goods.
- Garden State Value #6: Advance Equity.
- Garden State Value #7: Diversify Housing Options.
- Garden State Value #8: Provide for Healthy Communities through Environmental Protection and Enhancement.
- Garden State Value #9: Protect, Restore and Enhance Agricultural, Recreational and Heritage Lands.
- Garden State Value #10: Make Decisions within a Regional Framework



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 regulations should be prepared

As discussed in Section B, the Township's Goals and Objectives, as amended in 2012, remain relevant. However, the following recommendations are proposed:

There are a few existing short-term rentals located within the Township. The Township should explore whether short-term rentals are an appropriate use within the Township. The Township should also determine whether short-term rentals should be regulated through zoning as either a permitted or conditional use and/or require a license through the Township. Should the Township determine to make the use a conditional use, conditions may include off-street parking requirements and location along certain roadways. Through the licensing program, the Township may consider whether to limit the total number of short-term rentals within the Township, limit the number days a property could be rented, the frequency of inspections, residency requirement, enact local restrictions such as quiet hours, limiting the number of people at a property, and/or whether to enforce penalties. The Township should also consider enacting a municipal occupancy tax. While not located in New Jersey, Lehman Township, PA and Delaware Township, PA adopted regulations concerning short-term rentals that could potentially serve as an example of licensing requirements for Stillwater Township.

It is recommended that the Township review the bulk standards, such as setbacks and height requirements, associated with accessory structures and garages. Each zone district has its own setback requirements for accessory structures, however, the setback regulations for private garages (§240-104G(10)) differ from the ordinance requirements. The Township should review these standards to determine whether revisions are necessary.

The Township should review the ordinance to determine whether there is a need to amend the ordinance to permit additional small accessory structures on lakefront lots within the front yard (ie. between the lake and principal structure). The Township currently permits the development of lakefront lots within the R-30 Residential District and the CR Commercial Recreation District as conditional uses. The Township should review and evaluate the conditional use standards for lakefront lots to determine whether any changes are necessary. New regulations should ensure appropriate development while preserving the scenic vista.

The Township should rezone Block 2001 Lot 5 from the NC Neighborhood Commercial to the R-7.5 district. The property recently received Zoning Board approval in June 2022 to convert the use of the restaurant to residential.

The Township should review the definitions and regulations associated with agricultural uses and family farms to determine whether revisions or clarifications are necessary. The existing definition of family farm incorporates guidelines from a 1982 publication from Rutgers University. Regulations concerning these uses should be removed from the definitions section and incorporated into the zoning section of the ordinance. The Township should consider whether regulations and limits for domestic livestock in residential areas be created using the Recommended Guidelines for Domestic Livestock in Residential Areas, prepared by Rutgers University, September 2020¹, and/or SADC requirements and guidelines. Depending on the lot size, sliding scale or density requirements may be appropriate.

¹ <https://njaes.rutgers.edu/e353/>

Further, the Township should review its Right-to-Farm ordinance to determine whether any revisions are necessary.

The Township should determine whether separate setback standards should be implemented with respect to generators and HVAC equipment. The Township should also consider whether sliding-scale standards should be developed for smaller-sized accessory structures on residential lots.

Township should consider participating in the State Agricultural Development Committee's Municipal Planning Incentive Grant Program for farmland preservation. Since a portion of the Township is located within the County's Agricultural Development Area, unpreserved farmland in the Township, not targeted by the County, could be eligible for preservation. The Township should review available qualified farms that could be eligible for farmland preservation through the State's program and determine whether a municipally sponsored farmland preservation program is appropriate.

The Township should develop and adopt design standards that would apply to all development as a means to protect the Township's scenic vistas. These standards may include architectural standards to ensure new development blends in the Township and review its buffering standards to ensure that new development is appropriately screened from adjacent properties and public rights-of-way.

The Township should review its RC Recreation/Conservation District to ensure that all publicly owned properties are included in the zone.

The Township should submit its Housing Element and Fair Share Plan to the Court and seek a Judgement of Compliance and Repose, which would grant the Township immunity from builder's remedy lawsuits through the end of the current round (2025). While the current Plan addresses its assigned obligation, it has not been submitted or approved by the Courts. The Township should further review and update its existing affordable housing ordinance to determine whether any revisions may be needed in light of the rules of the current round.

The Township should update its Stormwater Management Plan to take into account the recent changes in the NJDEP's Stormwater Management rules (NJAC 7:8) and the Stormwater Best Management Practices Manual. The Stormwater Management Plan should recommend whether the Township's Stormwater Management Ordinance (§240-89), last amended in 2021, should require stricter standards.

In accordance with the NJDEP Green Acres regulations, an Open Space and Recreation Plan is required to be adopted once every 10 years. It is recommended that the Township review and update its Open Space Plan. The Township's previous Open Space and Recreation Plan was adopted in 2012. It is also recommended that the Township review and prepare an updated Recreation and Open Space Inventory to ensure that all preserved properties are included. The Township should further update its Natural Resource Inventory (NRI). A joint Open Space and Recreation Plan/NRI may be appropriate.

The Township should prepare and adopt a new Land Use Plan Element, incorporating the Climate Change-Related Hazard Vulnerability Assessment. The Land Use Plan Element should make recommendations regarding sustainability and resiliency.

The Township should continue to seek Sustainable Jersey certification by completing the necessary actions that are appropriate for the Township.

E. The recommendations of the Planning Board concerning the incorporation of redevelopment plans

The Township does not have any Redevelopment Plans.

F. The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure

It is recommended the Township encourage the installation of public electric vehicle (EV) infrastructure on non-residential properties located within its commercial district, especially those properties that have parking lots on site. Specifically, EV charging stations should be located within the NC Neighborhood Commercial District, C Commercial District, and CR Commercial Recreation District.

The Township should further adopt the DCA Model Statewide Municipal EV Ordinance and permit electric vehicle charging stations as accessory uses throughout the Township.