

April 12, 2005

2005 Periodic Reexamination Report of the Master Plan and  
Development Regulations for Cinnaminson Township,  
Burlington County, New Jersey

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Burlington County

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## **Introduction**

The Municipal Land Use Law (MLUL), 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 six years, 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 6 years from the previous reexamination.”*

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The Cinnaminson Township Planning Board adopted the most recent Periodic Reexamination on August 12, 1997. The Planning Board adopted the 1989 and 1983 Periodic Reexamination reports in accordance with N.J.S.A. 40:55D-89. During that period, the Planning Board adopted a Master Plan in 1983 including a set of Goals and Objectives and a Land Use Plan Element. In 1989 the Planning Board amended the goals and objectives and the Land Use Plan Element. It also adopted a solid waste/recycling element. The Planning Board also in 1989 adopted a Housing Element and a Fair Share Plan in 1990. The Township also petitioned the Council on Affordable Housing (COAH) substantive certification based on a vacant land adjustment because of the scarcity of vacant, suitable, developable and approval land in the Township for the production of high-density affordable housing at COAH's prescribed densities and set-asides. The petition was withdrawn when the vacant land adjustment was denied.

The impetus for this report is N.J.S.A. 40:55D-89, which requires municipalities to reexamine their Master Plan and Land Development Ordinances every six years. This section of the Municipal Land Use Law requires consideration of five areas (N.J.S.A. 40:55D-89a-e) within the Reexamination Report, which are discussed below.

**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 Planning Board’s 1997 Periodic Reexamination Report identified a number of recommendations to update the Master Plan and Land Development Ordinance from the Township’s Code.

1. The master plan reexamination report recommends the preparation of a new master plan and the revision of the land use zoning regulations to comport with the new master plan.
2. The master plan reexamination report recommends the new master plan include an updated Land Use Plan Element which addresses the following issues:
  - a. In order to maintain the single-family residential character of many of the Township's neighborhoods, regulations should be established to prevent conversions of single-family dwellings into multiple family dwellings.
  - b. The site plan ordinance and performance standards should be revisited to establish new, unambiguous requirements, which address the needs of today's development while protecting the health, safety and welfare of Cinnaminson.
  - c. The zoning ordinance for light industrial districts should be reexamined to determine whether more flexibility in industrial uses should be provided and residential uses should be prohibited.
  - d. The goals and objectives and their respective changes discussed should be incorporated into the new Land Use Plan Element.
3. Revise goals and objectives to the following:
  - a. Goal 1: Preserve the Township's existing residential character while providing for an expanded range of housing types.
    - i. Objective A: The existing residential character of the Township should be respected in planning for the development of vacant sites, the redevelopment of underdeveloped sites and the implementation of the inclusionary housing mandated by the pending “builder’s remedy” lawsuit.
    - ii. Objective B: Continue to provide opportunities for the development of senior citizen housing in appropriate areas.
  - b. Goal II: Offer opportunities for varied commercial activities and services in appropriate areas while maintaining the Township's quality of life and present character.
    - i. Objective A: Encourage the continuation of a variety of types of commercial land use within the Township's existing commercial districts with a focus on the redevelopment of the Route 130 corridor.

- ii. Objective B: Enhance the Township's economy and employment opportunities through encouraging quality commercial uses in commercial districts and other areas where appropriate access for such uses is available.
  - iii. Objective C: Promote varied and convenient personal and business services opportunities for residents i.e. shopping, health services, assisted living, entertainment, etc.
  - iv. Objective D: Maintain the Township's environmental and visual quality by control of commercial land use patterns and adoption of improved design and performance standards for land use in commercial areas.
- c. Goal III: Safeguard the environmental resources of the community.
- i. Objective A: Continue to require that an environmental impact statement be submitted with all preliminary major site plan and subdivision applications and to be considered as an integral component of the development application review process.
  - ii. Objective B: Expand the waterfront concept set forth in the 1989 Update and prepare and adopt a Waterfront Master Plan:
    - 1. Designate appropriate land use categories.
    - 2. Plan for a public open space "greenbelt" network through a planned linear walkway and public access program utilizing private and public sector resources.
- d. Goal IV Continue to promote the best development and utilization of industrial and commercial sites in the Township.
- i. Objective A: Encourage the redevelopment of vacant and underutilized industrial sites into comprehensively planned, diverse light industrial/research and development/office complexes which capitalize on the Township's access to the regional transportation network and proximity to major population and employment centers. Such complexes must be compatible with surrounding residential neighborhoods.
  - ii. Objective B: Encourage the redevelopment of vacant and underutilized commercial sites located along Route 130. Such sites should be examined to determine whether they have the potential to be redeveloped for commercial uses or other alternate uses, i.e., comprehensively planned residential/commercial/service mixed use developments or office complexes.
- e. Goal V: In recognizing changes occurring in the work place and technological advances being made, provide for home-based occupations, which are compatible with the residential neighborhoods in which they are located.
- i. Objective A: Revise the township's current home-based occupation zoning regulations by providing an updated description of permitted and prohibited uses and setting forth more definitive requirements to

ensure compatibility with surrounding residential uses and neighborhoods.

4. The master plan reexamination report recommends the new master plan include: an updated and more comprehensive
  - a. Waterfront Master Plan Element;"
  - b. Open Space and Recreation Plan Element which examines the adequacy of the community's supply of open space and recreational facilities in view of anticipated population growth and demographic changes;
  - c. Conservation/Preservation Plan Element focused on preserving the last vestiges of undeveloped lands in the community and tying together the recommendations of the Waterfront Master Plan and Open Space and Recreation Plan Elements; and
  - d. Economic Development Plan element focused on revitalizing the Township's Route 130 commercial corridor.
  
5. The master plan reexamination report recommends that upon resolving the "builders remedy" lawsuit brought against the Township, the new master plan establish the foundation for planning and zoning needed to provide for neo-traditional concepts and designs for the resultant inclusionary housing developments.

**C. 40:55D-89b      “The extent to which such problems and objectives have been reduced or have increased subsequent to such date”.**

The following is a listing of planning activities that were undertaken by the Township and the Planning Board after its last reexamination report. Some of them are in response to the recommendation raised in the 1997 Master Plan Reexamination Report. Others are in response to other issues that the Township Committee and Planning Board incurred during the period- 1998 to 2004.

**Master Plan**

The 1997 Master Plan Reexamination Report recommended a number of updates to the Master Plan. One specifically was that upon resolving the "builders remedy" lawsuit brought against the Township, the new master plan establish the foundation for planning and zoning needed to provide for neo-traditional concepts and designs for the resultant inclusionary housing developments.

**Final Judgment of Compliance and Repose**

Burlington County Superior Court acknowledged that Harbour Reef Joint Venture (Harbour Reef) was awarded a builder's remedy on October 12, 1999, which anticipated the production of 15 affordable units/credits on its property. Eventually, the property of Harbour Reef was sold to the State of New Jersey for inclusion in Green Acres Open Space Program, which resulted in a deed restriction foreclosing future development on the property.

On December 4, 2000 Cresmont Limited Partnership (Cresmont) was awarded a builder's remedy on its property to produce 218 units/credits of affordable housing. The order authorized the development of 911 units of which 136 units would be low and moderate income. Additionally, Cresmont was granted the ability to construct 97,000 square feet of commercial space on its property which the Township may apply a development fee.

Part of decision was for the Township to adopt standards developed by the Court Master (Cresmont Development Standards).

**Housing Plan Element and Fair Share Plan.**

As noted in the introduction of Cinnaminson Township's Housing Element and Fair Share Plan, "Under normal circumstances, once the Housing Element is adopted, the municipality has the option to file the Element and Fair Share Plan with COAH and also to request COAH's review and approval, called "substantive certification". But in case of Cinnaminson Township it was sued by two builder's remedy lawsuits, and Superior Court assumed jurisdiction. Superior Court also approved the Fair Share Plan set forth in the Housing Element as part of a Final Judgment of Compliance and Repose on December 3, 2001.

The Planning Board formally adopted an amended Housing Element and Fair Share Plan on February 12, 2002 as part of its Master Plan. The Township's Judgment of Repose extends until December 3, 2007.

On October 6, 2003, COAH released proposed new rules for the third round of affordable housing. COAH conducted several public hearings in November 2003. Four of the major issues in the proposed rule package were:

1. The rehabilitation share which is the number of substandard units which the municipality is responsible for rehabilitating;
2. The remaining new construction obligation or net prior round obligation, which is the municipality's past obligation from rounds one and two,
3. Growth share or prospective need, which is a portion of municipally determined growth.
4. The Third Round Methodology is for the period 1999 to 2014.

After public comment, the Council on Affordable Housing revised the proposed third round methodology and approved the publication of re-proposed rules governing the content of municipal plans to provide for a fair share of affordable housing. These re-proposed rules were published in the New Jersey Register on August 16, 2004. Comments on the proposal will be accepted for a 60-day period or until October 15, 2004.

The Council on Affordable Housing (COAH) has approved the publication of adopted rules governing the content of municipal plans to provide for a fair share of affordable housing. These adopted rules are scheduled to be published in the New Jersey Register on December 20, 2004, on which date they will become effective.

Under the new rules, the Township's obligation will be generated through what COAH is calling a 'growth share' formula, which derives the number of affordable housing units the Township is required to provide based on the amount of residential and non-residential growth that occurs in the Township after January 1, 2004.

The Legislature amended the Fair Housing Act in 2001 establishing a ten-year affordable housing cycle, which will permit municipalities and COAH to use decennial census data to determine affordable housing obligations in the State. This amendment has altered the obligation period from six years to ten.

Previous methodologies for municipalities relied on complicated formulas that assigned a fair share number to municipalities. COAH defines 'growth share' as follows:

"Growth share" means the affordable housing obligation generated in each municipality by both residential and non-residential development from 2004 through 2014 and represented by a ratio of one affordable housing unit for every eight market-rate housing units constructed plus one affordable housing unit for every 25 newly created jobs as measured by new or expanded non-residential construction within the municipality.

Therefore, under the growth share methodology, the affordable housing obligation is determined by the municipality based upon its level of residential and non-residential growth – one of every 9 residential units shall be affordable and one affordable unit shall be provided for every 25 jobs generated.

### **Redevelopment Plan**

Another one of the priority recommendations of the 1997 Reexamination Report was to develop an Economic Development Plan element focusing on revitalizing the Township's Route 130 commercial corridor.

In April 2001 the Planning Board in conjunction with the Burlington County Office of Land Use Planning developed a document entitled “Preliminary Investigation: Area In Need For Redevelopment”. The report set for an assessment of existing conditions of certain properties within the Township as required in N.J.S.A. 40A: 12A-6, which conditions currently serve as obstacles to improving the function, safety, vitality, appearance, convenience and desirability of those areas determined to be “in need of redevelopment”.

This study resulted in the Township Committee adopting a Redevelopment Plan in June 2002 specifically identifying four areas in need of redevelopment, appointing the Township Committee as redevelopment entity and setting out a series of redevelopment strategies to overcome the obstacles to comprehensive improvement to the areas identified. These areas included:

- Section #1: This section includes Township owned lands, including rights-of-way, in the vicinity of Calhoun and Clay Streets west of Cinnaminson Avenue. This section is part of an area of Cinnaminson known as “Parry”.
- Section #2: This section is located on the northern side of U.S. Route 130 extending from Cinnaminson Avenue approximately two-thirds of the distance to Highland Avenue.
- Section #4: This section is located on the northern side of U.S. Route 130 extending from Union Landing Road to approximately one-half the distance to Taylor’s Lane.
- Section #4: This section is located on the southern side of U.S. Route 130 extending from the vicinity of Church Road to approximately one-half the distance to Riverton-Moorestown Road.

Besides adopting a set of goals the redevelopment plan strategies involved:

1. Redevelopment plan incentives such as tax abatement and development financing,

2. Government grants from State programs, such as Green Trust Program, Transportation Trust Fund, the Environmental Infrastructure Trust and Community Development Block Grants,
3. Economic Development Committee to advise the governing body and the Planning Board and assist the municipality in identifying economic development strategies,
4. Fast track approval process of development proposals within the redevelopment area,
5. Aesthetic standards, such as architectural design standards and landscaping standards,
6. Acquisition through eminent domain,
7. Relationship with other plans such as the State Development and Redevelopment Plan and Route 130/Delaware River Corridor Strategic Plan and
8. Code enforcement.

### **Land Development Ordinance**

The 1997 Reexamination Report made a limited number of recommendations for the Planning Board to recommend and the Township Committee to consider amending the Land Development Ordinance. The following is a list of land and development ordinances adopted since the last reexamination report.

#### **Authorizing and Directing the Planning Board to Conduct a Preliminary Investigation as to Whether Areas are in Need of Development:**

The governing body adopted one significant ordinance in June of 1997, which establishes the basis for the Township to develop its Redevelopment Plan involving portions of the Route 130 Corridor.

#### **Final Report from Economic Development Task Force and Pledging Resources to Implement Recommendations:**

The Economic Development Task Force presented the Township Committee a report in April of 2000, which identified recommendations on retaining existing economic concerns within the Township and attracting new economic development initiatives in the Township with a focus on the revitalization of vacant parcels along the Route 130 corridor and pledged support to implement the recommendations.

#### **Adopted the Slogan “Cinnaminson Open for Business” and Policies Enhancing a “business friendly” approach:**

In 2000, the Township Committee adopted an ordinance to forward recommendations of the Economic Development Task Force to all appointed and administrative personnel and requests their implementation. It also adopted officially the slogan “Cinnaminson Open for Business”.

**Establishing a Business Development Liaison/Advocate to Assist the Business Community**

In 2000 the Township Committee at the behest of the Economic Development Task Force established a time to meet with the business community and authorized the Director of Economic Development to appoint an employee to coordinate business development efforts and serve as a liaison with the business community.

**Authorizing an Economic Feasibility Study of Tax Incentives to Attract New and Expand Existing Businesses**

Again, at the recommendation of the Economic Task Force the Township Committee authorized the Director of Finance and the Township Administrator to study the feasibility of extending tax incentives to non conforming and vacant property owners to attract new and expand existing businesses.

**Authorizing the Opportunity for Businesses to Use the Official Domain of the Township**

The Township Committee officially established "Cinnaminson.org" as the Township's Internet domain and extended the opportunity to businesses to utilize the site.

**Accepting the Recommendations of the Planning Board Regarding Proposed Boundaries for Redevelopment**

The Township Committee in 2002 accepted the recommendations of the Planning Board in concert with the Burlington County Land Use Office in defining the redevelopment area in Cinnaminson Township.

**Adopted an Amendment to the Redevelopment Plan to Include Performance and Design Standards**

The Township Committee adopted an amendment to the Redevelopment Plan to include performance and design standards to be utilized for development and redevelopment of all properties within the redevelopment area.

**Amending the Redevelopment Plan in Regard to the Change of Occupants and Use**

The Township Committee adopted an amendment, which requires site plan approval at the time of a change in occupancy within the Township's redevelopment area. The amendment also established permitted and prohibited uses within the redevelopment area.

**Route 130/Delaware River Corridor Strategic Plan**

As was noted in the last reexamination report the County undertook a collaborative planning process with twelve (12) communities along the Delaware River and Route 130

including the Township to develop a strategic plan. Initiated in 1995 the Recommendations of the Plan were not completed until 1998.

The major thrust of the Plan was to create a vision for the Corridor communities, translate it into physical forms of development and redevelopment that are desirable and necessary to assure revitalization within the corridor and recommend policies, actions and strategies, which would be implemented by the twelve communities, the County, the State and the Federal government in terms of short, mid and long range timeframes.

In applying the vision of the corridor to Cinnaminson the Township's commercial area along Rt. 130 was identified as a commercial/services redevelopment node with Delran Township. At the same time the East Riverton section of the Township was included Town Center designation with Palmyra and Riverton.

The recommendations for these areas were developed to address target areas, target projects and areas of concern. The latter are more broadly based and applicable corridor wide in economic development, transportation and circulation, housing, utilities and infrastructure, open space/recreation/environment and community services.

Target area recommendations for the Township were:

**Route 130 Frontage Delran and Cinnaminson**

- Restore and revitalize the highway frontage as a commercial, retail and services destination.
- Remove and/or redevelop dilapidated and obsolescent commercial buildings located along Rt. 130.
- Eliminate incompatible businesses and uses along Rt. 130 (e.g. vehicle and equipment storage yards and single-family homes).
- Reduce the number of curb cuts along the highway
- Encourage the consolidation of smaller parcels and the sharing of common driveways.
- Assemble and redevelop multiple, small scale commercial properties as single, larger scale planned commercial developments.
- Enhance the visual quality of Route 130.
- Prepare and implement uniform design standards for landscaping, buffering, signage and lighting.
- Improve circulation patterns and functionality of Route 130 including intersections and crossroads.
- Strengthen this segment of Route 130 through the introduction of alternate uses which are compatible with commercial uses (e.g. light industrial and high density housing)
- Create new commercial centers and revitalize existing commercial centers

In terms of transportation and circulation four (4) improvements were recommended within the Township. They were:

- Rt. 130 from Andover Road to Taylor's Lane,

- Rt. 130 and Moorestown-Riverton Road,
- Rt. 130 and Cinnaminson Avenue Complex and
- Fork Landing Road over Pennsauken Creek.

Beyond these improvements the Plan identified major investment strategies that would entail longer range planning as well as the collaboration of a number of public agencies and the private sector. Several investment strategies were recognized in the Township.

In terms of safety/functionality of the road network one investment calls for the realignment of Union Landing Road with Andover Road at Rt. 130 to help create a commercial center and improves access to the industrial area of the Township.

To help improve existing economic activity the Plan recommended improving ease, convenience and safety of cross-Corridor movements to encourage patronage of commercial activity along Rt. 130 in the Township. Another investment was to provide Light Rail Line service by way of shuttle/circulator service to employment areas of the Township along with the rerouting of existing bus service to under served areas linking the Light Rail and the Township's employment areas. Finally, the Plan calls for the investment in opportunities to create more industrial development, which utilizes rail and highway specifically focusing on union Landing Road and Taylor's Lane in the Township.

Other recommendations addressed housing and open space, but of specific importance to the Reexamination process is its implementation agenda or plan it developed for the Township. Specifically, it recommended:

#### **Land Use**

- Planning Board to prepare and adopt an updated master plan,
- Planning Board prepare and adopt redevelopment investigations and plans,
- Planning Board researches successful regulations and changes for along Rt. 130,
- Planning Board completes visual assessment along Rt. 130 and the waterfront.

#### **Housing**

- Twp. committee adopts appropriate zoning to implement housing plan upon receiving COAH approval and approval prepares design standards in separate stand-alone document.
- Twp. adopts program to rehabilitate deteriorated housing Twp. pursue outside funding, i.e., Neighborhood Preservation Programs at NJDCA, for program.
- Twp. creates incentives, i.e., tax abatement, for private sector to undertake rehabilitation projects.
- Twp. enforces property maintenance code and apartment inspection/certificate of occupancy code for rental units.

#### **Economic Development**

- Twp. completes redevelopment plan addressing economic development with a focus on Rt. 130 and the Parry and East Riverton sections.
- Twp. participates in a regional effort to develop and promulgate new legislation to create the redevelopment zone.

- Twp. identifies critical sites and visual corridor along the main avenues and entrances into the township, which require enhancement. Twp. prepares and implements a gateway enhancement plan coordinated with the redevelopment plan.
- Twp. prepares a streetscape improvement plan for Rt. 130, which is coordinated with the redevelopment plan.
- Twp. prepares and adopts design guidelines for Rt. 130, which is coordinated with the redevelopment plan and master plan.
- Twp. develops a building facade and site improvement program, with funding provisions, i.e., grants, low-interest loans and tax abatement.
- Twp. investigates and secures outside funding.
- Twp. prepares and implements circulation and parking plan for Rt. 130. Plan is coordinated with redevelopment plan and master plan. Work with NJDOT, the county and private implementation\*sector to develop solutions.
- Twp. prepares a waterfront development plan as part of the master plan.
- Twp. works with developers to incorporate waterfront development plan into projects.
- Twp. pursues obtaining a management agreement with NJ Tidelands Bureau to develop and manage waterfront parks on the Delaware River.
- Twp. coordinates the redevelopment with Delaware River Heritage Trail.
- Twp. establishes a steering committee to: work with private sector to identify opportunities for reuse industrial facilities in the township; research successful industrial redevelopment programs and strategies in the state; and recommend specific strategies for Cinnaminson. Incorporate recommendations into redevelopment plan.
- Twp. continues repairing and upgrading its sewerage system.
- Twp. repairs and upgrades storm drainage system to eliminate local flooding, particularly in East Riverton.
- Twp. repairs and upgrades deteriorated sidewalks and roads, particularly in Parry and East Riverton.
- Twp. continues to support the concept of providing LRT passenger service to Burlington County and Cinnaminson and work with NJ Transit in locating and designing a station stop in the East Riverton section.
- Twp. provides convenient, safe pedestrian linkages to the station stop.
- Twp. provides the opportunity for commercial development near the station stop through the master plan, zoning ordinance and redevelopment plan.

### **Transportation**

- Twp. works with NJ Transit to reroute buses in the county to better serve township and county residents.
- Twp. works with NJDOT and county to initiate study of the streets improve safety and circulation.
- Twp. works with developers, NJDOT and county to implement improvements.
- Twp. develops a program to upgrade the streetscapes and sidewalk system based on the redevelopment plan and master plan.

- Twp. secures funding, i.e., ISTEA and Neighborhood Preservation Program, to implement upgrades.
- Twp. participates in the development process for the Delaware River Heritage Trail.

#### **Recreation and Open Space**

- Twp. prepares and implements, a recreation improvement plan coordinated with the master plan.
- Twp. secures funds for implementing the plan, i.e., Green Acres funding, etc

#### **Historic Preservation**

#### **Public Facilities and Services**

- Twp. prepares and implements a long term and short-term facilities plan.
- Twp. considers exploring ways to alleviate flooding problems caused by Pompeston Creek.

#### **Intergovernmental Coordination**

- Twp. builds on the county sponsored Route 130/Delaware River Corridor regional planning initiative and maintains dialogues with surrounding communities, with a focus on the Economic Development, Open Space and Recreation, Housing and Transportation Goals.
- Twp. initiates dialogues with surrounding municipalities to examine possibilities for providing joint services.
- Twp. participates in a regional effort to develop and promulgate new legislation to create a Corridor Twp. participates in a regional effort to develop and promulgate new legislation to create a county-wide RCA program to benefit communities that need housing rehabilitation.
- Twp. continues to support proposed LRT passenger service to county and Corridor wide redevelopment zone

The Township has addressed some of the initiatives, but a number of them have not.

#### **State Development and Redevelopment Plan**

In 1998, the Township participated in the State Development and Redevelopment Plan SDRP second round of Cross Acceptance through the Burlington County Land Use Office. Cross Acceptance is the process through which the Township's Master Plan is compared to SDRP planning designations for the Township.

Burlington County Planning Board led the Cross Acceptance process and was responsible for transmitting a report to the State Planning Commission. The County report was filed with the State Planning Commission in 1998. The Township's and its surrounding municipalities were all in the Metropolitan Planning Area. The Planning Area's criteria were a population of over 1,000 people per square mile, the existence of major local or regional infrastructure and the location of existing development and investment in the State. A major issue identified within the area including the Township was the issue of redevelopment.

During the Cross-acceptance process the County and the twelve municipalities including the Township petitioned the State Planning Commission to have the Route 130/Delaware River Corridor Strategic Plan endorsed by the Commission. After several meetings with the Commission Plan Implementation Commission on April 28, 1999 the Commission endorsed the Route 130/Delaware River Corridor Strategic Plan. In doing so the twelve communities became eligible for State Plan benefits including, but not limited to

1. **NJDOT**—Transportation Enhancements (Transportation Equity Act for the 21st Century)
2. **NJDOT**—Local Aid for Centers of Place
3. **NJDOT**—Municipal Aid Program, Pedestrian Projects
4. **NJDOT**—Municipal Aid Program, Bicycle Projects
5. **NJDOT**—Local Bicycle/Pedestrian Planning Assistance and State Plan Implementation Program
6. **NJDCA**—Small Cities Community Development Block Grant Program: Center Designation Fund
7. **NJDCA**—Small Cities Community Development Block Grant Program: Public Facilities Fund
8. **NJDCA**—Small Cities Community Development Block Grant Program: Housing Rehabilitation Fund
9. **NJDCA**—Neighborhood Preservation Program
10. **NJDCA**—Smart Growth Planning Grants
11. **NJDCA**—Office of State Planning, Local Planning Assistance and Special Projects Program
12. **NJHMFA**—Low Income Housing Credit
13. **NJDEP**—Environmental Infrastructure Trust Fund: Wastewater Assistance Program
14. **NJDEP**—Environmental Infrastructure Trust Fund: Drinking Water State Revolving Fund Program
15. **NJDEP**—Environmental Infrastructure Trust Fund: Stormwater Assistance Program
16. **NJDEP**—Historic Preservation Certified Local Government Grants
17. **NJDEP**—Green Acres Open Space and Recreation Plans
18. **NJDEP**—Green Acres Project Priority System: Green Acres Grants and Loans
19. **NJDEP**—Green Acres Project Priority System: Nonprofit Acquisition Grants
20. **NJDEP**—Lakes Restoration Program

In addition, the Palmyra-Riverton-East Riverton town center was designated as a Towns Center in the process.

On March 1, 2001 the State Development and Redevelopment Plan was readopted. In the adoption of the Plan the Township was delineated within the endorsement received for the Route 130/Delaware River Corridor Strategic Plan.

On April 28, 2004 the State Planning Commission released the new preliminary State Development and Redevelopment Plan for the current (third) round of cross-acceptance. The Burlington County Department of Economic Development and Regional Planning is

leading the cross-acceptance process for the communities along the Route 130 Corridor and the River.

### **Residential Site Improvement Standards**

On January 6, 1997 the Commissioner of the Department of Community Affairs adopted the Residential Site Improvement Standards (RSIS). The purpose of the RSIS is to reduce the multiplicity of standards for residential subdivisions and site plans improvements, which, prior to the adoption of RSIS existed throughout the State. Additionally, RSIS was adopted to eliminate unnecessary development costs for housing where there are no commensurate benefits to the protection of public health and safety. The RSIS have been amended several times since initially adopted (last amended December 16, 2002). Amendments address streets and parking, water supply, sanitary sewer and stormwater management.

Compliance is required with RSIS stormwater management regulations, which as of February 2, 2004 was required if a municipality has not adopted Municipal Stormwater Regulations. Road, Intersection, Sight Triangle, Curb, Sidewalk and Driveway Standards are addressed in RSIS for Streets and Parking. It should be noted that RSIS for Streets and Parking addresses intersection, curb, sidewalk stormwater and driveway standards for residential development only.

### **River Line**

Since the last Reexamination Report the State made a major investment (\$1.1 billion) in public transportation in Burlington, Camden and Mercer counties. The River Line, which opened in March 14, 2004, provides service from Camden to Trenton. The River LINE is a 34-mile passenger light rail line with 20 station stops serving communities along the Delaware River's Route 130 corridor. The light rail system connects riders to the larger transportation networks of NJ TRANSIT, Amtrak, PATCO, and SEPTA. Service has surpassed ridership expectations with 3,000 per day on weekdays and 6,000 per day on weekends.

Cinnaminson has one of the numerous stops in Burlington County in the East Riverton area at Snowden Avenue. The service operates from 6 AM to 10 PM on weekdays. The Line connects in Camden with the PATCO into Philadelphia and in Trenton with the Northeast Corridor Line into Newark and New York. It also provides connecting service to NJ Transit bus service. The 419 Service operates parallel to the River Line in the Township along Broad Street. Because of the industry within the Township the BurLink B10: began operation in the spring to U.S. 130 / Taylor's Lane Industrial Parks from the River Line.

One of the major objectives of the River Line was economic development within the river towns such as Cinnaminson. According to the findings of A. Nelessen Associates Inc. the River Line has generated more than 19,000 new residential units and nearly 11 million square feet of commercial, industrial and office space have been proposed or are already

being built in the River Line communities from Trenton to Camden. The report also indicated that more than 27,000 construction jobs and 18,000 new permanent jobs could be created through this growth.

In Cinnaminson the major development to benefit from the River Line is the Village at Cinnaminson Harbour. This 911 units and 97,000 square foot office/commercial project sits opposite the Snowden Avenue stop on the line.

### **Delaware River Heritage Trail**

The concept for the Delaware River Heritage Trail (DRHT) emerged in 1996 with a simple vision: create a 50-mile non-motorized multi-use trail as close to the shores of the Delaware River as possible in Pennsylvania and New Jersey. When complete the loop will extend from Morrisville to Philadelphia and from Trenton to Palmyra in New Jersey, crossing the river via the Tacony-Palmyra and Calhoun Street Bridges and will be the only trail in the Delaware Valley that connects the City of Philadelphia with New Jersey.

The route traverses 24 municipalities including Palmyra, Riverton, Cinnaminson, Delran, Riverside, Delanco, Beverly, Edgewater Park, Burlington Township, the City of Burlington, Mansfield, Florence, Bordentown Township, Fieldsboro, the City of Bordentown, Hamilton, the City of Trenton, Morrisville, Falls Township, Tullytown, Bristol Township, Bristol Borough, Bensalem, and Philadelphia. Through the Rivers & Trails Program in Philadelphia, the National Park Service has coordinated the DRHT project. With the role to garner support at both the grassroots and municipal level for the concept of the trail, NPS works in cooperation with an advisory committee comprised of residents, non-profits, municipalities and local and state agencies.

In partnership with the Southern New Jersey Light Rail project, the DRHT project found great fortune; by integrating pedestrian access within rail line development, the Light Rail project solved a crossing dilemma over the Crosswicks Creek. Additionally, Light Rail continues to assist trail communities in work to resolve other crossing, shared right-of-way and access issues. The Delaware River Heritage Trail is a complex and regionally significant project consisting of many independent trail projects. Current projects underway include: resurfacing the Delaware Canal towpath from Morrisville to Bristol, redeveloping a riverfront trail in Neshaminy State

The Delaware River Heritage Trail was designated a Community Trail 2000 and will be marked as a Millennium Trail. It will carry the White House Millennium Council logo. A trail map and description will be included in a new national trails database. Community Trail 2000 is a partnership between the White House Millennium Council and the US Department of Transportation in association with the Rails to Trails Conservancy. The National Park Service (NPS) has been involved in the project providing technical assistance.

According to NPS the Delaware Heritage Trail Concept Plan is moving into an action plan in which communities are working to re-connect with the river and turn industrial

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lands into an attractive riverfront trail. A \$30,000 PA Coastal Zone Management Program grant is funding a feasibility study for the conversion of a 14.2-acre former Army Depot site on the river to open space/recreation use at the lower end of the Heritage Trail.

**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.”

### **Key Assumptions**

In preparing this Reexamination Report the Cinnaminson Township Planning Board identified the following key assumptions.

1. The redevelopment areas identified in the Redevelopment Plan should be reviewed and consideration should be given to expanding to other areas along the Route 130 Corridor.
2. The Township should safeguard historic buildings and structures.
3. The Planning Board’s judgment is that the Township is built-out and that future emphasis should be on redevelopment and infill.
4. The Planning Board sees the necessity to examine and consider updating permitted uses in the Light Industrial Districts.
5. The Planning Board should protect existing residential areas from increased density especially from multi-family conversions so as not to change the character of neighborhoods.
6. The Planning Board intends to insure a balance along the waterfront area between development and the preservation of open space.
7. The Planning Board recognizes the important to cooperate with neighboring communities and the County especially along Route 130 corridor and the Riverfront.
8. The Planning Board intends to advance economic development and residential amenities such as parking, sidewalks and other streetscape Improvements to advance utilization of the River Line.
9. The Planning Board perceives the necessity to preserve open space and agricultural lands in the Township
10. The Planning Board deems it necessary to improve existing undeveloped land for gardens, parks and recreation.

It is the Planning Board’s intention to translate these assumptions into land use and land use policies in developing revisions to its Master Plan and Land development Ordinances.

### **Demographics**

Cinnaminson Township’s population in 2000 was 14,595 as compared to its 1990 population of 14,583. This was the first increase in population in 20 years (1980). At the same time there was an increase in the number of households from 4,767 in 1990 to 5,057

in 2000. This change is reflected in the Township's experience of a 47% increase in the number of householders living alone. But at the same time, the number of children under the age of 18 has increased by approximately 11% over the last decade.

The Township is best described as having a residential community character. But upon close examination the Township and the Borough of Riverton facilitate employment for 8,743 workers within 641 business establishments. This significant employment base does not although reflect the work force base of the Township. The majority of the Township's work force is employed outside of the Township (97.6%) and commutes in single-occupancy vehicles (82.9%).

The following table provides a comparison of selected 1990 and 2000 Census data:

Comparison of Selected 1990 & 2000 Census Data

Description	1990	2000	Percentage of Change
Population	14,583	14,595	>1%
# of Households	4,767	5,057	6%
Households with Children -	1729	1834	6%
Residency over 5 years	10,565	10,038	-5%
Workforce	7,456	7,441	-0.2%
Median Income	\$51,129	\$68,474	34%
Housing Value <sup>1</sup>	\$145,400	\$158,900	9%

Since 2000 through 2003, Cinnaminson has seen 173 building permits issued. Through October of 2004, 34 building permits have been issued for single-family homes at a value of \$3,418,658 or an average of \$100,549 per unit<sup>2</sup>.

The US Census Bureau estimates that the Township's population in 2003 was 15,012. This reflects in an increase of 2.9% in three years. The Delaware Valley Regional Planning Commission in December 2004 released preliminary population forecasts for the County and its municipalities. They project a population in 2015 of 15,170 and than a population of 14,660 in 2025, which corresponds to the previous period of 1970-1990 when the Township had a downturn in the size of households.

### Cross-Acceptance III

On April 28, 2004, the State Planning Commission (SPC) released the Preliminary State Development and Redevelopment Plan (PSDRP) for the purpose of updating the State Development and Redevelopment Plan (SDRP). The Burlington County Department of Economic Development and Regional Planning assumed the responsibility of

<sup>1</sup> Owner-occupied

<sup>2</sup> Building permits address building starts as well as redevelopment and modifications to structures.

coordinating the cross-acceptance process in Burlington County for all of the 12 municipalities in the Route 130 Corridor and to act as the County's Negotiating Entity with the Office of Smart Growth and the State Planning Commission.

The County is soliciting information and comments from the Township and other municipalities on future growth and preservation as presented in the municipality's master plan, reexamination report and zoning ordinance. The County is requesting that municipalities to identify any changes that the municipality would like to have made to the State Plan Statewide Goals, Strategies and Policies, changes to the description, delineation criteria, intent, policy objectives, and/or implementation strategy of any planning area, any proposed changes to the description or delineation of centers and/or environs, any proposed changes to the delineation of Planning Areas, Critical Environmental Sites (CES) or Historic and Cultural Sites (HCS) on the State Plan map and whether the municipality is interested in petitioning for Plan Endorsement.

Plan Endorsement is a voluntary review process that is designed to assist government agencies at all levels to develop and implement plans that will achieve the goals, policies and strategies of the State Plan. The plan endorsement process establishes a method by which government agencies at all levels may develop capital investment and planning decision-making mechanisms that are consistent with the State Plan and are coordinated with one and the other. The end product of the review is intended to provide sufficient information so that the State Planning Commission, acknowledging the local context, can make a final determination as to the level of State Plan consistency achieved by the petitioner, and the petitioner's commitment to the implementation of the State Plan.

The purpose of the Plan Endorsement process is to reach the following goals by increasing the consistency among municipal, county, regional and State agency plans with each other and with the State Plan, and to facilitate the implementation of these plans.

The goals are to:

1. Encourage municipal, county, regional and state agency plans to be coordinated and support each other to achieve the goals of the State Plan;
2. Encourage municipalities and counties to plan on a regional basis while recognizing the fundamental role of the municipal master plan and development regulations;
3. Consider the entire municipality, including Centers, Cores, Nodes and Environs, within the context of regional systems;
4. Provide an opportunity for all government entities and the public to discuss and resolve common planning issues;
5. Provide a framework to guide and support state investment programs and permitting assistance in the implementation of municipal, county and regional plans that meet statewide objectives; and
6. Learn new planning approaches and techniques from municipal, county and regional governments for dissemination throughout the state and possible incorporation into the State Plan.

7. Ensure that petitions for Plan Endorsement are consistent with applicable State land use statutes and regulations.

### **Context Sensitive Vision Plan for the Route 130/Delaware River Corridor**

With the adoption of the Route 130/Delaware River Corridor Strategic Plan and the receiving of endorsement from the State Planning Commission implementation and continued planning was undertaken by the County in cooperation with the 12 communities within the corridor.

One of the major efforts embarked upon by the County was initiated in 2002. The Context Sensitive Vision Plan focused on the appearance of Route 130 in trying to bring about a unified vision for the corridor. Through a public participation process the County and nine municipalities in the Corridor with a consultant team developed a vision plan, which identified recommendations to create a visual cohesion along the corridor.

Major recommendations were the identification of high quality street elements including signs, sidewalks, crosswalks and lighting with the linear planting of trees, monument type signing and the incorporation of a type of lighting known as the “maxi pole”. Other recommendations included four different cross sections for Route 130, which were based upon existing and proposed land use conditions. The recommendations were for the designating of a Super Boulevard, Urban Boulevard, Suburban Highway and Greenway.

Another recommendation of the Vision Plan was the identification of comprehensive redevelopment along the entire corridor at locations designated as high and moderately high in susceptibility for redevelopment. Approximately 75% of the corridor fell into this category.

The Plan also recommended the adoption of corridor wide design standards and regulations for street edge landscaping, signing treatments and overhead utility wiring, protecting sensitive environmental features along the corridor and to use them as amenities. For landscaping it recommended treatment for trees, hedges and groundcover. For example, trees should be planted in a linear pattern not farther than 20 feet apart and have a minimum caliper of 3 inches or 14 feet high at the time of planting.

Policy Four of the Plan called for the concentration of new development in nodes along the corridor. Specifically, the Plan identified three primary development areas that will “create a long-term market image and appeal for the nodes using high quality urban design and using progressive redevelopment legislation”. It also urged the usage of transfer of development rights by identifying the nodes as receiving areas and down zoning other areas to prevent continuous strip commercial development. One of the primary recommendations was the designation of the Cinnaminson node.

The Node “indicates an area of development or concentration of activities, which would facilitate a place where people could shop, recreate, live and work”. The Cinnaminson node or Node 1, as identified in the Vision Plan, contains approximately 3.5 million

square feet of land, which could be redeveloped or demolished. Current buildings and structures located in the Node 1 area include: the closed Caldors building; a bank branch office; a pizza restaurant; a gasoline and service station; several motels; and residential units.

Beyond the recommendation for the Nodes there were specific policies overall for the corridor. The corridor was divided into 41 Redevelopment Areas. Each redevelopment area was determined by examining its existing land uses in relation to the proposed land uses along the corridor. Future land uses were based on a combination of current land uses as well as the four proposed street typologies for Route 130 and the proposed new street network adjacent to Route 130. Of the 41 redevelopment areas identified in the Plan twelve involve Cinnaminson.

### **Stormwater Management Rules**

Two sets of new stormwater rules were signed by Commissioner Campbell on January 6, 2004 and were published in the February 2, 2004 issue of *the New Jersey Register*. Together the two sets of rules establish a comprehensive framework for addressing water quality impacts associated with existing and future stormwater discharges.

The first set of rules is the Phase II New Jersey Pollutant Discharge Elimination System Stormwater Regulation Program Rules (N.J.A.C. 7:14A). These Rules are intended to address and reduce pollutants associated with existing stormwater runoff. The Rules establish a regulatory program for existing stormwater discharges as required under the Federal Clean Water Act. Under this program, permits must be secured by municipalities, certain public complexes such as universities and hospitals, and State, interstate and federal agencies that operate or maintain highways. The permit program establishes the Statewide Basic Requirements that must be implemented to reduce nonpoint source pollutant loads. The Statewide Basic Requirements include measures such as: the adoption of ordinances (litter control, pet waste, wildlife feeding, proper waste disposal, etc.); the development of a municipal stormwater management plan and implementing ordinance(s); requiring certain maintenance activities (such as street sweeping and catch basin cleaning); implementing solids and floatables control; locating discharge points and stenciling catch basins; and a public education component.

The second set of regulations is known as the Stormwater Management Rules (N.J.A.C. 7:8). These Rules set forth the required components of regional and municipal stormwater management plans, and establish the stormwater management design and performance standards for new (proposed) development. The design and performance standards for new development include groundwater recharge, runoff quantity controls, runoff quality controls and Category One buffers.

As a Tier A municipality, the Township is required to adopt a Stormwater Pollution Prevention Plan that describes the municipality's stormwater program, including details on the implementation of required statewide basic requirements. The Planning Board in implementing the rules is required to adopt a Stormwater Management Plan and to recommend a Stormwater Control Ordinance to the Township Committee. Until the

ordinance is adopted, the Board must use the Residential Site Improvement Standards (RSIS) for stormwater management.

The new rules impact the Planning Board's review of new development. The rules emphasize, as a primary consideration, the use of non-structural stormwater management techniques including minimizing disturbance, minimizing impervious surfaces, minimizing the use of stormwater pipes and preserving natural drainage features.

### **Council on Affordable Housing**

COAH adopted new rules for a third round of affordable housing, which became effective on December 20, 2004. Key features in the rule package are:

- The rehabilitation share (substandard units the municipality is responsible for rehabilitating);
- The remaining new construction obligation or net prior round obligation, (the municipality's past obligation from rounds one and two);
- Growth share or prospective need, which is a portion of municipally determined growth (One affordable unit for each eight (8) new homes or 25 jobs); and
- The Third Round Methodology is for the period 1999 to 2014.

The Legislature amended the Fair Housing Act in 2001 to put affordable housing obligations on a ten-year cycle and allow municipalities and COAH to use up-to-date Census information.

The previous COAH methodologies relied on complicated formulas that assigned a fair share number to municipalities. Under the growth share approach, the level of residential and non-residential growth in the municipality will determine the affordable housing obligation.

Cinnaminson Township six-year period of repose will expire in December of 2007. Through this period the Township's is protected from "builder's remedies." But at the same time as of January 1, 2004 with the issuance with each certificate of occupancy that is issued the Township's third round growth share is mounting.

The Planning Board is aware that it will still need to provide for housing rehabilitation in the Housing Plan and Fair Share Plan, which should also recommend that the Township Committee adopt an amendment to the Land Development Ordinance which grants the Planning Board the authority to require a growth share of all new residential and nonresidential development according to the rules enacted by COAH.

### **Master Plan Revisions**

In developing the Reexamination Report, the Planning Board reviewed its Master Plan in the context of the Municipal Land Use Law requirements for a Master Plan, as well as the

extent to which the Master Plan conforms to the Fair Housing Act and the Solid Waste Management Act as well as its eligibility for State financial assistance.

Article 3 of the Municipal Land Use Law addresses the municipal Master Plan. N.J.S.A. 40:55D-28 b states, "The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1) and (2):

- (1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;
- (2) A land use plan element (a) taking into account and stating its relationship to the statement provided for in paragraph (1) hereof, and other master plan elements provided for in paragraphs (3) through (12) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands; (b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance; and (c) showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983," P.L. 1983, c.260 (C.6:1- 80 et seq.); and (d) including a statement of the standards of population density and development intensity recommended for the municipality;"

In 1985 N.J.S.A. 40:55D-b (3) was amended to read that "(3) A housing plan element pursuant to section 10 of P.L. 1985, c.222 (C. 52:27D-310), including, but not limited to, residential standards and proposals for the construction and improvement of housing;" This section was amended with the enactment of the Fair Housing Act.

Under N.J.S.A. 40:55D-28d the MLUL requires "d. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L. 1985, c.398 (C. 52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L. 1970, c.39 (C. 13:1E-1 et seq.) of the county in which the municipality is located".

With a comprehensive Master Plan adopted in 1983, the Planning Board has determined that updates to the Master Plan should be conducted incrementally to address these requirements. The Planning Board in 1989 adopted modifications to its goals and objectives, a Land Use Plan Update, a Solid Waste and Recycling Element and conducted

a review of its compatibility with adjacent municipalities and the State Development Plan.

In 2002 the Township adopted a Housing element and a Fair Share Plan, which was adopted and submitted to the Court as part of its Final Judgment of Compliance and Repose it received from Superior Court on December 3, 2001.

In response to the recommendations of the Route 130/Delaware River Corridor Strategic Plan and the Township's economic Development Committee, the Township Committee adopted a Redevelopment Plan, which identified five areas in need of redevelopment and outlined a series of goals and strategies to advance the redevelopment of primarily the Route 130 corridor. This document has been amended several times by the Township Committee with the adoption of architectural design standards, expansion of the areas in need of redevelopment, the requirement of site plan approval for all nonresidential changes of use and incorporation of a list of permitted and prohibited uses within the areas in need of redevelopment.

In reviewing these activities and the specific requirements of the M.L.U.L. for a Master Plan, the 1997 Reexamination Report recommended the preparation of a new master plan including an updated Land Use Element, which addresses the maintenance of the single-family character of the Township many neighborhoods, regulation that prevent the conversion of single-family homes into multiple family dwellings, revisions to site plan regulations and performance standards, provision of greater flexibility in industrial uses and revise goals and objectives reflecting the changes in the Land Use Element.

Other recommendations involved revising the goals and objectives, which were adopted as part of the Reexamination Report, development of a Waterfront Master Plan Element, an Open Space and Recreation Plan Element, a Conservation/Preservation Plan Element and an Economic Development Plan element focusing on the revitalization of Rt. 130.

During development of the 2005 Reexamination Report, the Planning Board discussed a number of amendments to the Master Plan. One item in particular was the development of a Historic Preservation Plan Element to support the recent (2004) actions of the Township Committee in creating a Historic Preservation Commission. Also, it discussed the need to develop a Recreation Plan Element to examine the adequacy of the community's supply of open space and recreational facilities. This decision focused on the assumptions of this report in focusing on preserving the last vestiges of undeveloped lands in the community and the necessity to improve existing undeveloped land for gardens, parks and recreation. Also, important is the fact that the Township expects anticipated population growth and demographic changes within the next 10 years.

This also led to the Board considering a Farmland Preservation Plan to protect its limited land use in the Township. With the passage of an open space tax the Township considers the purchase of farmland easements on the last farmland in the community to be a prudent investment. A prerequisite for easement purchase by the County and the State in cooperation with the Township requires a Farmland Preservation Plan.

The Planning Board discussed the development of a Circulation Element. It felt it would be necessary to incorporate issues of traffic congestion and methods to advance improvements along Route 130 into the element. It also saw the need for enhancements to the River Line to promote greater utilization to be incorporated into the Circulation Plan Element.

Knowing that certificate of occupancies issued as of January 1, 2004 count against the Township's growth share for low and moderate income housing and that the Township's Judgment of Repose will terminate within two years the Planning Board discussed the need to update its Housing Element based upon the new rules adopted by COAH on December 20, 2004.

Considering these changes to existing master plan elements and the preparation of new elements the Board believes it would be prudent to reevaluate its goals and objectives. Likewise there may be the necessity to address its land use element especially considering the expansion of redevelopment and the conservation of remaining undeveloped land. This also provides the basis to update the Township's zoning map.

### **Land Development Ordinance**

With regard to the Township's Land Development Ordinances, the Planning Board identified a number of zoning, development and design regulations that should be investigated and potentially incorporated in to the LDO. These include:

1. Reexamining its home based businesses provisions in light of the anecdotal increase in these activities within the Township;
2. Address stormwater regulations based on the changes in the new stormwater rules and examine especially regulations regarding the inspection of dams in the Township prior to a crisis similar to that which happened in other areas in the County during 2004;
3. Incorporating redevelopment zone architectural standards into the land use ordinance to address nonresidential development outside of the identified redevelopment areas;
4. Adoption of Right to Farm ordinance which is a necessary requirement for eligibility in the easement purchase program;
5. Considering the positive role many private entities play in the provision of open space standards to maintain private recreational facilities as open space should be reviewed and considered; and
6. Techniques for increasing minimum required lot size in light of the Fair Haven and Atlantic Highlands decisions, which nullified the Manalapan decision relating to the calculation of density based upon environmental resource constraints.

**40:55D-89d. 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.**

After review of the Master Plan, land development ordinance, and discussion of other planning issues in preparation of the 2005 Reexamination Report, the Planning Board has identified the following recommendations.

**Master Plan**

1. The Planning Board should update its goals and objectives to reflect the priorities of the Planning Board and the preparation of new elements to its Master Plan and the updating of existing elements.
2. The Planning Board should update its Housing element using 2000 Census information, and addressing the requirements of proposed N.J.A.C. 5:94-1 et seq. and N.J.A.C. 5:95-1 (new rules) for the Third Round.
3. As recommended in the 1997 Reexamination Report the Planning Board should develop a Recreation Plan addressing the adequacy of the community's supply of open space and recreational facilities in view of anticipated population growth and demographic changes and focusing on preserving the last vestiges of undeveloped lands in the community.
4. The Planning Board should prepare a Historic Preservation Plan Element to support the recent (2004) actions of the Township Committee in creating a Historic Preservation Commission.
5. The Planning Board should prepare a Farmland Preservation Element to advance the preservation of the remaining farmland in the Township.
6. The Planning Board should prepare a Circulation Plan Element because of the importance of circulation impacting redevelopment;
7. The Planning Board should examine the recent Fair Haven & Atlantic Highlands court decision, which nullified the Manalapan decision relating to the calculation of density and determine whether a major subdivision density adjustment zoning technique should be incorporated into the Land Development Ordinance to adequately protect environmentally sensitive land features.
8. The Planning Board should prepare a Policy Statement as required by N.J.S.A. 40:55D-28d of the MLUL, indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan

adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L. 1985, c.398 (C. 52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L. 1970, c.39 (C. 13:1E-1 et seq.) of the county in which the municipality is located".

9. There have been a number of changes in regulations, State law, regional and State planning initiatives, and local assumptions forming the basis of the master plan and development regulations since adoption of the last Land Use Plan element that suggest the need for an updated Land Use Plan, including:
  - State Development and Redevelopment Plan Cross Acceptance III;
  - Burlington County Route 130 and Delaware River Corridor Strategic Plan;
  - Stormwater management rules and the requirement that each municipality develop its own stormwater management plan;
  - Third Round COAH rules adoption;
  - Demographics changes
  - The need to examine industrial zones and uses,
  - Limited remaining open space in the Township
  - With the River Line opening the value of the Township's waterfront.
10. With the adoption of the new stormwater rules the Planning Board is required to adopt a Stormwater Management Plan and to recommend a Stormwater Control Ordinance to the Township Committee.

### **Land Development Ordinance**

The Planning Board has identified the following recommended changes and modifications to the Land Development Ordinance and actions to support the implementation of the Township's Master Plan. They are:

1. Based on the recent Atlantic Highlands and Fair Haven Decisions (Reversal of Manalapan decision) the Planning Board recommends an investigation into whether the Land Development ordinance should be amended to provide a partial credit for constrained land, reduce development of critical resource areas and increase the required lot size to avoid such areas at the time of subdivision.
2. The Planning Board recommends reexamination of its home-based businesses provisions so as to protect the character of its residential neighborhoods.
3. The Planning Board recommends that the Township Committee
  - a. Incorporate redevelopment zone architectural standards into the land use ordinance to address other nonresidential development that is proposed in the Township;
  - b. Adopt a Right to Farm ordinance as required by the State's easement purchase program; and

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- c. Adopt standards to encourage private recreational facilities to remain as open space; and
- d. Address stormwater regulations based on the changes in the new stormwater rules and regulations regarding the inspection of dams.

**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: 12 A-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."**

Cinnaminson has prepared and adopted a redevelopment plan for Route 130 Corridor and one other area of the municipality in accordance with the Local Redevelopment and Housing Law cited above. Based on the foregoing sections of the reexamination report, the Cinnaminson Planning Board recommends exploring and evaluating the merits of designating additional areas of redevelopment along the Route 130 Corridor to determine whether the redevelopment plan should be expanded to facilitate additional revitalization of the Route 130 Corridor.

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**RESOLUTION OF ADOPTION**