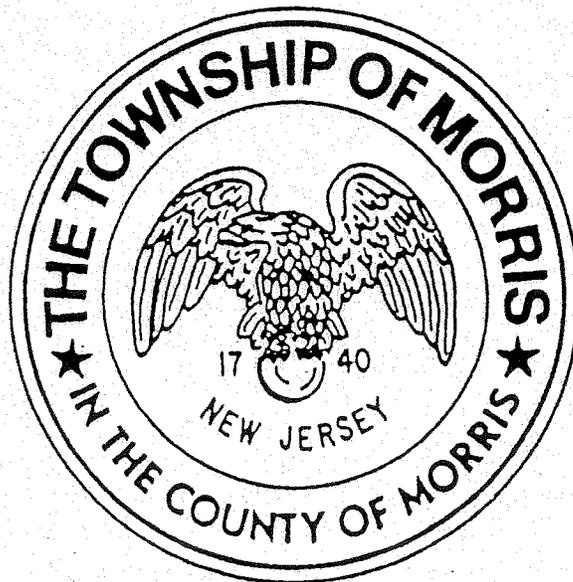


**MORRIS TOWNSHIP  
MASTER PLAN REEXAMINATION  
2000**

**OCTOBER 2000  
Revised September 10, 2001**



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

Adrian P. Humbert, AICP/P.P.

**MEMBERS OF THE MORRIS TOWNSHIP  
PLANNING BOARD 2000-2001**

**JOSEPH WEBER, CHAIRMAN  
FRANZ E. VINTSCHGER, VICE CHAIRMAN**

**RICHARD A. WATSON, MAYOR 2000  
JAN WOTOWICZ, MAYOR 2001**

**PATRICK ALLOCCO  
LAWRENCE BOBBIN  
CRAIG GOSS  
ARNOLD NASTA  
SCOTT ROSENBUSH  
MICHAEL WILSON**

**MARY CLOWNEY, ALTERNATE MEMBER I  
CATHLEEN EARLE, ALTERNATE MEMBER II  
JAN WOTOWICZ, MAYOR'S ALTERNATE 2000  
RICHARD A. WATSON, MAYOR'S ALTERNATE 2001**

**ATTORNEY  
BRIAN BURNS, ESQ.**

**SECRETARY  
SANDI YOUNG**

**TOWNSHIP ENGINEER  
JAMES SLATE, P.E.**

**PLANNING CONSULTANT  
ADRIAN P. HUMBERT, AICP/P.P.**

**TABLE OF CONTENTS**

**INTRODUCTION . . . . . 1**

**PROVISIONS OF MLUL . . . . . 3**

**MAJOR RESIDENTIAL CHANGES BY SECTOR . . . . . 4**

**POPULATION . . . . . 8**

**HOUSING ELEMENT & FAIR SHARE PLAN . . . . . 10**

**NON-RESIDENTIAL DEVELOPMENT . . . . . 11**

**LAND USE PLAN ELEMENT UPDATE . . . . . 14**

**FUTURE LAND USE CHANGES . . . . . 15**

**RECYCLING . . . . . 32**

**CIRCULATION PLAN ELEMENT . . . . . 33**

**UPDATE TRAFFIC PROBLEM AREAS & IMPROVEMENTS . . . . . 38**

**UPDATE COMMUNITY FACILITIES PLAN ELEMENT . . . . . 41**

**CONSERVATION OF NATURAL RESOURCES . . . . . 46**

**POLICY STATEMENT REGARDING OTHER MASTER PLANS . . . . . 52**

**RELATIONSHIP TO SDRP . . . . . 52**

**RESIDENTIAL SITE IMPROVEMENT STANDARDS . . . . . 53**

**MORRIS COUNTY MASTER PLAN CHANGES . . . . . 54**

**ADJOINING MUNICIPAL MASTER PLANS . . . . . 55**

**RECOMMENDATIONS . . . . . 57**

## **LIST OF TABLES**

- TABLE 1 - TOTAL POPULATION, HOUSING UNITS, TOTAL HOUSEHOLDS & PERSONS PER HOUSEHOLD**
- TABLE 2 - POPULATION ESTIMATES AND PROJECTIONS**
- TABLE 3 - TOTAL DWELLING UNITS AUTHORIZED BY BUILDING PERMIT 1999**
- TABLE 4 - NUMBER OF SINGLE-FAMILY HOUSE LOTS FROM MAJOR SUBDIVISIONS RECORDED AT THE OFFICE OF MORRIS COUNTY CLERK**
- TABLE 5 - DOCUMENTED DISPOSAL & RECYCLING RATES FOR 1994-1998**
- TABLE 6 - TRAFFIC COUNT SUMMARY 1999 & PRIOR YEARS**

## **LIST OF EXHIBITS**

**REMAINING ACREAGE PLAN ST. MARY'S ABBEY**

## INTRODUCTION

This Reexamination Report 2000 continues the Planning Board's effort to maintain its comprehensive master plan and properly guide the future growth, development and redevelopment of Morris Township. It builds upon the prior master plans and land use ordinances which the Township has adopted over the years. It seeks to maintain and preserve the Township's unique character and setting into the new century and for future generations.

Morris Township's 2000 Reexamination Report reviews the following topics:

- Provisions of the New Jersey Municipal Land Use Law (MLUL)
- Identification of the major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report
- Analysis of the extent to which such problems and objectives have been reduced or have increased subsequent to such date
- Analysis of 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:
  - density and distribution of population and land uses;
  - housing conditions and recertification of the Township's Fair Share Housing Plan by COAH
  - circulation and community facilities including street, road, recreational and other capital improvements implemented since 1994 Master Plan adoption
  - conservation of natural resources including the Township's expanded Open Space and Recreation Plan and land acquisition program
  - new development regulations for steep slopes, wetlands and tree protection
  - other land development regulations including upgraded cluster development regulations and ordinances providing for assisted living and nursing care units

- energy conservation
  - collection, disposition and recycling of designated recycling materials
  - changes in state, county and municipal policies and objectives including the adoption of the New Jersey Residential Site Improvement Standards and the State Development and Redevelopment Plan
- 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.

Areas of current concern which have been identified and are noted herein include:

- continuing care retirement communities
- wireless communications facilities
- fence ordinance changes
- checklists and forms for development requirements
- site plan submission/waiver requirements
- general recodification and consolidation of Chapters 95 and 57 into a unified Land Use Code

**PROVISIONS OF THE MUNICIPAL LAND USE LAW (MLUL)**

The Municipal Land Use Law (NJSA 40:55D-89) requires that a municipality make a general reexamination of its Master Plan and development regulations by the Planning Board at least every six years. The Township of Morris adopted its Master Plan in July of 1994. This review is intended to update the findings of the last Master Plan and to examine the status of the Township's on-going Master Plan work.

The basic land use goals and objectives, assumptions and policies of the 1994 Master Plan remain intact. This Reexamination Report does not radically depart from them. It does, however, focus on specific areas of concern with a view to updating and further refining the 1994 Master Plan to ensure that its planning policies, land use goals and objectives remain appropriate and current.

The Statute requires that the reexamination report set forth the following items:

- a. The major problems and objectives related 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 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.
- 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 and regulations should be prepared.
- e. The recommendation of the Planning Board concerning the incorporation of local redevelopment plans (not applicable to Morris Township).

The absence of an adopted reexamination report constitutes a rebuttable presumption that a municipality's development regulations are no longer reasonable.

### **MAJOR RESIDENTIAL DEVELOPMENT CHANGES BY SECTOR 1994-2000**

Traditionally the Planning Board in its Master Plan has used four community sectors to study and plan for the Township. The sectors cover the following areas:

- Sector I - northeast quadrant of the Township bounded by the Morristown and Erie railroad on the west and the Conrail/NJ Transit railroad on its south at Convent Station
- Sector II - southeast quadrant bounded on the north by the Conrail/NJ Transit railroad at Convent Station and extending west to Mt. Kemble Avenue
- Sector III - southwest quadrant of the Township bounded on the east by Mt. Kemble Avenue and on the north by Sussex Avenue
- Sector IV - bounded on the south by Sussex Avenue and the Morristown and Erie on the east

The major changes in residential development for each of these sectors follows:

#### Sector I

The site for the Riverview affordable housing project on Hanover Avenue was acquired by the County for the new jail which is now constructed and occupied. The facility has 277 cells with a capacity of 528 inmates. The site contains 16.75 acres. Approximately half of this area is developed. The remainder of the site is wetlands with an area to the north of the building which is available for future expansion. There is on-site parking for 204 cars. The main entrance to the facility is from John Street with a gated emergency entrance at Hanover Avenue. Typically, there are a maximum of 100 employee vehicles parked on the site at any one time, generally at the shift change. There are forty-five (45) to fifty (50) employees per shift. The County has assumed ownership and maintenance responsibility for John Street and a traffic signal has been installed at the intersection of John Street and Ridgedale Avenue. The building and landscaping were designed to fit in architecturally with the office and corporate buildings located along Route 287 which offers the primary view of the facility. The site was no longer needed for affordable housing pursuant to the Township's revised substantive certification which was granted by the New Jersey Council on Affordable

Housing in 1996. Substantive certification is discussed in this report below in the Housing Element and Fair Share Plan. The acquisition of the Hanover Avenue-John Street site for the jail did not adversely impact the Township's Mt. Laurel obligation and did not result in displacement or relocation of any required housing units to other parts of the Township.

## Sector II

Since 1994 the Village @ Convent Station and the Moore Estate projects have been completed. These projects account for many of the building permits which were issued in the mid-1990's as the buildout of the Township's multi-family housing projects required by the Mt. Laurel decision proceeded.

Two additional infill single-family subdivisions were approved. A subdivision of ten (10) single-family homes, Canfield @ Convent, has been constructed in this sector at the intersection of Madison Avenue and Canfield Road since the last Master Plan review. The other development approved was the SAJ Associates plan for four (4) lots, with three new homes plus the existing residence, known as the Mainline @ Convent Station on Kitchell Road next to the Moore Estate.

## Sector III

Much attention continues to be focused on the future development aspects of this sector. The former Hubschman tract on Kahdena Road received approval by the Planning Board for the construction of a 30-lot major subdivision. After litigation, the project, now called Spencer Estates, proceeded and is now under construction. Another major subdivision, Jockey Hollow Top Section 6, located off Dale Drive and Rolling Hill Drive, has been pending before the Planning Board for several years since the 1994 Master Plan. In the 1994 Master Plan it was noted that this tract has steep and difficult slopes. These, environmental issues along with stormwater drainage control and tree removal, have resulted in an agreement between the developer, Harvey Caplan, and the Township to acquire the property for permanent open space at a cost of \$1.7 million.

Jones Woods, the former Cortese property on Picatinny Road, was acquired by the Township in 1996. It had been zoned RH-5 multi-family to provide for required affordable housing under the Township's Mt. Laurel settlement plan. Acquisition of the site for open space resolved the numerous difficulties and neighborhood public opposition to the development

which had been encountered.

Other significant land use and zoning issues arose subsequent to the adoption of the 1994 Master Plan. The Township received several proposals and initiatives to construct senior retirement communities with a variety of assisted living care and nursing components. One of these proposals was a concept plan for the former Diamond Shamrock site on Mt. Kemble Avenue after the existing office complex was demolished. The concept plan was for an office building and a continuing care retirement community. It ultimately was superseded by the approval and construction of a new two-building, 220,000 square foot office complex on the property.

Sector III continued to receive development proposals during 1996 and 1997 for assisted living and health care facilities. Kessler Assisted Living Centers received use variance approval for an 87-unit assisted living facility on the site of the former Good Shepherd Retreat House on Deborah Drive. In 1997 Villa Walsh proposed a concept plan for a 41-bed skilled nursing care facility, with possible future expansion to 64-beds, along the campus frontage on Western Avenue. Also, St. Mary's Abbey/Delbarton expressed interest in developing a part of its 380-acre campus for a continuing care retirement community (CCRC). This would allow independent living, assisted care and nursing care units as part of a planned retirement community development.

As a result of these several initiatives the Planning Board in 1998 amended the Land Use Plan Element of the Master Plan to include the proposed uses and the Township Committee adopted new zoning regulations to permit assisted care and nursing care on the Kessler and Villa Walsh sites. However, the Committee declined to adopt the zoning necessary to permit a CCRC on the Delbarton campus. In 2000 the Planning Board again revised the Land Use Plan Element of the Master Plan removing the CCRC use from Delbarton. In its Resolution, the Board recognized the necessity for further study of the need for a CCRC within the Township, and the suitability of the St. Mary's Abbey/Delbarton property to accommodate such a use.

Those further studies have now been completed. They are discussed below under the heading "Future Land Use Changes."

Sector IV

In Sector IV residential development has essentially been completed with the buildout of the Summit, Rose Arbor and the Heritage Hills subdivision on Lake Road.

A major open space initiative was completed in the sector with the Township's acquisition in 1997 of 56.9-acres of land declared surplus by the State of New Jersey. Acquisition and protection of this property, located on southeast corner of Hanover Avenue and Ketch Road, was an important action due to the site's high accessibility and developability.

**POPULATION**

Between 1980 and 1990 the Township's population increased from 18,486 to 19,952 persons, as total households grew from 5,968 to 7,097.

<b>TABLE 1                      TOTAL POPULATION, HOUSING UNITS,                      TOTAL HOUSEHOLDS &amp; PERSONS PER HOUSEHOLD                      1980 &amp; 1990</b>							
TOTAL POPULATION		HOUSING UNITS		TOTAL HOUSEHOLDS		PERSONS PER HOUSEHOLDS	
1980	1990	1980	1990	1980	1990	1980	1990
18,486	19,952	6,142	7,388	5,968	7,097	2.96	2.66

Source: U.S. Census Bureau

While the number of overall households increased in the Township, the number of persons per household declined from 2.96 to 2.66. Overall population in the Township between 1980 and 1990 grew at a rate of 7.9%. Currently, the Morris County Planning Board's annual projection sets the Township's 2000 population at 21,863. By way of comparison the 1994 Master Plan forecast a range of population between 22,500 and 25,000 persons for the Township in 2000. This growth of 9.6% over the decade is slightly higher than that which occurred during the prior ten-year period. Release of the 2000 Census in the near future will confirm the actual count. The County forecasts some limited further growth to the year 2010 placing the Township's future population at 22,232.

These forecasts should be adjusted to reflect a projected population increase related to planning for a continuing care retirement community on a portion of the St. Mary's Abbey/Delbarton property. The proponents of the CCRC have projected a CCRC population of approximately 415. Refer to the detailed discussion of this proposed use under the heading "Future Land Use Changes" below.

<b>TABLE 2 POPULATION ESTIMATES AND PROJECTIONS</b>			
1990 Census	1999 Estimate	2000 Projection	2010 Projection
19,952	21,816	21,863	22,232

Source: Morris County Data Book 2000, p. 5, Population

In the years immediately prior to the last master plan the Township was on the threshold of a significant increase in new dwelling units attributable primarily to the construction and buildout of its Mount Laurel housing obligation. Between 1992 and 1994 a total of 832 new dwelling units were authorized by building permit. In contrast between 1995 and 1999 only 144 new dwelling units were authorized by building permit as shown in Table 3 below.

<b>TABLE 3 1995-1999 MORRIS TOWNSHIP TOTAL DWELLING UNITS AUTHORIZED BY BUILDING PERMIT 1999</b>					
1995	1996	1997	1998	1999	5-YEAR TOTAL
34	41	30	23	16	144

Source: New Jersey Building Permits Summary 1995 through 1999, New Jersey Department of Labor and U.S. Census Bureau

The available data for 1995 to 1999 indicate that the 77 single-family lots filed with the County Clerk was about one-half the number of building permits issued during the same time period. Given the normal lag time between recording a lot and drawing a building permit for it, these statistics probably indicate a somewhat slower rate of new residential construction in the coming years.

Table 4 documents the number of single-family lots from major subdivisions recorded at the Office of the Morris County Clerk from 1995 to 1999 as follows:

<b>TABLE 4</b> <b>1995-1999</b> <b>MORRIS TOWNSHIP</b> <b>Number of Single-family House Lots</b> <b>from Major Subdivisions Recorded at</b> <b>the Office of Morris County Clerk</b>					
1995	1996	1997	1998	1999	5-YEAR TOTAL
23	17	0	6	31	77

Source: 1999 Development Activity, Morris County Planning Board

**HOUSING ELEMENT & FAIR SHARE PLAN**

On March 1, 1995 the Township Committee submitted a formal petition for certification of the Housing Element of the Master Plan to the New Jersey Council on Affordable Housing (COAH). In reviewing the Township's proposal for substantive certification COAH issued a compliance report reviewing the Housing Element and Fair Share Plan on August 3, 1995 and a mediation report on October 23, 1995.

The COAH compliance report found that Morris Township had a pre-credited 1987-1999 need for 324 units of affordable housing, 293 new construction and 31 units of rehabilitated housing. Through its fair share plan the Township demonstrated via reductions, credits and adjustments that it had a 1987-1999 obligation of zero. COAH determined that the Township was eligible to receive credit for the 334 units of affordable housing which had actually been constructed and for 21 rental bonus credits under the applicable rules. With this total of 355 units the pre-credited number of 324 was reduced to a zero obligation with 31 surplus units.

Following its compliance report COAH issued a report summarizing the mediation that occurred between the Township and Steven Hudacek, a property owner of land zoned for affordable housing. Mr. Hudacek objected to his 7-acre lot being part of the Township's housing element. As a result of mediation Mr. Hudacek's property and the adjoining Starrett property on Mt. Kemble Avenue were removed from the Township's fair share plan. The loss of units through this action was compensated by the inclusion of 11-units of affordable transitional housing which were built by the Morris Shelter on Jean Street.

A second objection to the Township's Fair Share Plan was filed by the Collinsville Civic and Improvement League. It challenged COAH's jurisdiction of the Township's Housing Element. COAH concluded that the issues raised by the League were not subject to the mediation process but gave no credits or reductions to the Township for the Riverview/John Street site. This property was condemned by the County for the new jail.

Pursuant to the COAH compliance and mediation reports the Township prepared an amended Housing Element and Fair Share Plan which was adopted by Resolution of the Planning Board on September 18, 1995.

After further delays and appeals arising from the Collinsville League's objection COAH granted substantive certification of the Township's Fair Share Plan and Element on May 1, 1996. Under this certification the Township's period of protection from exclusionary zoning litigation extends for six years until May 1, 2002.

COAH has not yet issued its calculation of future (2000-2006) affordable housing needs. When these figures are received it will be necessary for the Planning Board and Township Committee to review the Fair Share Plan and amend it if necessary.

In a recently announced ruling COAH advised the Township that if its May 1, 2002 expiration date of substantive certification is prior to or within one year of the new COAH rules and fair share numbers the Township may request extension of its certification for one year after COAH acts. To get the extension the Township Committee must commit the municipality to implementing its current plan (which has been accomplished) and to addressing any new obligations with a new adopted housing element and fair share plan. At that time the Township would be able to bring into play its 31-unit surplus and apply it to any future assessments by COAH.

#### **NON-RESIDENTIAL DEVELOPMENT**

Since the 1994 Master Plan development applications reviewed and approved by the Township Planning Board and Board of Adjustment have primarily been to redevelop, renovate and convert existing non-residential sites to new or expanded commercial office or industrial uses. These have ranged in scope from the complete redevelopment of the demolished Diamond Shamrock office site for two new office buildings of 220,000 square feet of floor area to the retrofitting and improvement of smaller commercial buildings for retail services such as banking and restaurant facilities.

The significant non-residential projects approved since June 1994 are as follows:

- 1994 Saturn of Morris, Ridgedale Avenue, I-21 Zone  
Conversion of Downs auto rental building into new automobile dealership
  
- 1995 Metropolitan Life (Alfieri Office Bldg.), Madison Avenue, OL-5 Zone  
Retrofit and renovation of the existing office building and site with new landscaping, buffering and lighting  
  
Allied Signal, Inc., Columbia Turnpike, OL-40 Zone  
Retrofit the Corporate Research Center with an addition of 8,000 square feet for a training center
  
- 1997 First Morris Bank, Madison Avenue, B-11 Zone  
New parking lot for 24 cars at the intersection of Kahn Road and Old Turnpike Road  
  
Woodman of the World, Mt. Kemble Avenue, OL-40 Zone  
Two new office buildings with 220,000 square feet of gross floor area as redevelopment of Diamond Shamrock site  
  
Allied Signal, Inc., Columbia Road, OL-40 Zone  
Addition of 4,050 square feet to the corporate technology center building
  
- 1998 GPU Energy, Madison Avenue, OL-5 Zone  
Retrofit of existing building with a new vestibule, landscaping, signage and parking area improvements  
  
Bayer Corporation, Columbia Road, OL-15 Zone  
Expansion of existing parking improvements by constructing 103 of the 235 reserve parking spaces approved by the Planning Board in 1995  
  
Kessler Assisted Living, Kahdena Road/Deborah Drive, OS/GU Zone  
Approval by Board of Adjustment to construct an 87-unit assisted living facility on the site of the former Good Shephard Retreat House incorporating the existing building  
  
Tiffany's Restaurant, Speedwell Avenue/Gregory Avenue, B-11 Zone  
Approval by the Board of Adjustment for an expanded 176-seat restaurant with fifty (50) parking spaces
  
- 1999 Colgate Palmolive Company, East Hanover Avenue, I-21 Zone

New building of 3300 square feet to house electrical and mechanical equipment

Honeywell (formerly Allied Signal), Columbia Road, OL-40 Zone  
Renovation and reoccupancy of Plastic Technology Laboratory building for office use (28,132 square feet), machine shop (5,628 square feet) and carpentry shop (1770 square feet).

A.T.&T. & Sprint Wireless Services, East Hanover Avenue, I-21 Zone  
Wireless communication monopole tower of 130 feet with provision to allow four wireless carriers to be co-located on the site

First Morris Bank, Madison Avenue, B-11 Zone  
Conversion of existing real estate offices in frame building for use as the bank's trust offices

Crum & Foster, Madison Avenue, OL-5 Zone  
Conversion of approximately 28,000 square feet of basement floor space from equipment to office use

- 2000 Hunan Chinese Restaurant, Speedwell Avenue, B-11 Zone  
One-story addition and a two-story addition for existing 160-seat restaurant

Bayer Corporation, Whippany Road, OL-15 Zone  
Construction of a new day care center for 36 children

Southgate IV, South Street/Southgate Parkway, OL-40 Zone  
Proposed new four story office building of 100,400 square feet and day care facility of 15,000 square feet (application pending)

All of the above development applications for non-residential facilities, except for Kessler Assisted Living, are commercial or industrial projects within the existing non-residential zones of the Township. The basic pattern of non-residential zoning which was in effect in 1994 has been maintained since then.

In the case of Kessler, a use variance for the assisted living facility as a use inherently beneficial to the public good was granted at the time the property was zoned OS/GU. Since this approval the Township Committee has rezoned the property to permit assisted living facilities.

**LAND USE PLAN ELEMENT UPDATE (2000)**

Under the MLUL the Land Use Plan Element is the framework for the future distribution, delineation and density of future land uses within the Township. It is not only a long-range policy guide but is the basis for the regulation of land uses within the zoning ordinance. As noted in the preceding analysis of this report the Land Use Plan is also a document which must be related to and coordinated with other areawide plans such as the SDRP and Morris County Master Plan and with adjoining towns.

It is the overall finding of this reexamination that, subject to the amendments recommended below under the heading "Future Land Use Changes," the Land Use Plan of the Township of Morris, as amended, remains applicable and appropriate to the purposes, goals and objectives of the Municipal Land Use Law and of the Township Master Plan.

Since 1994 there have been a number of revisions made to the Land Use Plan as noted herein and summarized here and on the Land Use (Plate #9), Housing (Plate #5) and Open Space (Plate #7) Plans:

- 1. Jones Woods, Block 4101, Lots 3 & 7, 38 acres has been changed from RH-5 multi-family housing to open space.
- 2. The former Good Shepherd Retreat House site has been changed from open space government use to nursing/assisted living and residential health care use
- 3. A portion of the Villa Walsh tract has been changed from open space/government use to nursing, assisted living and residential health care use
- 4. The Riverview/John Street site has been changed from high density multi-family housing (16 d.u.s/acre) to open space/government use to reflect use of property as new County jail
- 5. The size of the RH-5 Zone on west side of Mt. Kemble Avenue has been reduced by rezoning of Starrett and Hudacek properties to RA-130 (amendment to Housing Element/Fair Share Plan per COAH mediation)
- 6. The zoning designation of Spencer Estates (former Hubschman tract) has been changed to place entire property in the low density RA-35 Zone from a split-zoned tract of RA-130, RA-35, OS/GU and RA-15 Zones.

## **FUTURE LAND USE CHANGES**

### **REEXAMINATION REVIEW - ST. MARY'S ABBEY**

As part of this comprehensive Master Plan review and as a result of an intensive review of the pros and cons of a CCRC use on the St. Mary's Abbey/Delbarton campus, the Planning Board has decided to amend the Land Use Plan Element of the Township Master Plan to once again include the CCRC concept for the Abbey property within the Master Plan. This decision is based upon extensive review of (a) conceptual development plans and other data prepared by design professionals retained by St. Mary's Abbey, (b) reports and other input from the Township's professional consultants, and (c) reports and other input from design professionals retained by objectors and concerned members of the public. A summary of the process undertaken and conclusions reached by the Board during the Reexamination review follows.

#### **CCRC CONCEPT**

Under the laws of the State of New Jersey the land use evaluated by the Morris Township Planning Board for the St. Mary's/Delbarton property is known as a continuing care retirement community (CCRC). Sometimes a CCRC is referred to as a "life care community". It is a land use generally dedicated to older adults, usually 62 years and older, with entry ages frequently much higher than that. A distinguishing characteristic of a CCRC is a blend of several different living accommodations and a "continuum of care" which includes various levels of health care. In New Jersey the CCRC typically contains independent, assisted living and long-term care units. All independent units are an integral part of the CCRC. They do not constitute separate single- or multi-family housing. In a CCRC an agreement between the resident and the CCRC specifies the services which the community will provide and grants the right to live in a specific place. Residents of a CCRC do not buy or lease residential units. Another distinguishing characteristic of a CCRC is that the level of services, including health services, provided by the community can increase as the resident ages and his or her individual care needs increase. The basic concept of a CCRC is that in return for the payment of entrance and monthly service fees CCRC residents can receive continuing care for the remainder of their lifetimes provided they meet the financial and health requirements of the community.

Under State law, NJSA 52:27D-330 et seq., the New Jersey Department of Community Affairs (DCA) issues a certificate of authority (CA) to CCRCs which meet the rules and regulations set forth in Chapter 19, Continuing Care Retirement Community Rules, NJAC 5:19-1.1 et seq. The health care components, assisted living units or skilled nursing care units, are licensed by the

New Jersey Department of Health and Senior Services (DOHSS).

### **ST. MARY'S ABBEY CCRC CONCEPT PLAN**

In response to an inquiry by the Planning Board during the 2000 Master Plan Reexamination process St. Mary's Abbey submitted a conceptual proposal to develop a CCRC on a portion of the approximately 380-acre St. Mary's Abbey/Delbarton campus. From its first submission in January 2001 the initial concept underwent a series of revisions in response to technical review comments by Township Professionals, concerns of the Board, and public input and commentary. In its revised form at the conclusion of the Board's reexamination process the Abbey's proposal is to allocate approximately 171 acres of the campus to CCRC use and open space apportioned as follows:

- 41± acres to be developed for the CCRC as shown on a concept plan entitled "Remaining Acreage Plan St. Mary's Abbey", dated 2/5/01, last revised 7/13/01, prepared by Schoor DePalma. Within this area 26-27± acres of open space would be restricted by easement against future development upon completion of the project. A main access drive to the CCRC from Route 24 - Mendham Road would be constructed over adjoining lands in the OS-GU Zone which are owned by the Abbey.
- 90± acres located to the east and south of the 41± acre CCRC development area would be permanently restricted as natural passive open space by means of a conservation easement and would extend as a greenbelt along Jockey Hollow Road and Sugar Loaf Road to a depth of 250 feet. The conservation easement would permit no development activities and would be restricted to passive open space only except for a sanitary sewer line and a driveway from Sugar Loaf Road for access to future ballfields, permitted accessory uses, and a religious hermitage within the 40± acre area described below.
- 40± acres would be restricted by conservation easement as open space except for possible future use by the Abbey/Delbarton as ballfields, a field house, spectator stands and a religious hermitage with access to these uses being permitted via a driveway from Sugar Loaf Road; ten (10) acres of this area would be protected as passive open space. Land disturbance would be limited to 30-acres. Building coverage would be limited to less than one acre and impervious cover would be limited to 5-acres.



Within the CCRC development area the Abbey proposed forty (40) one-story detached or semi-detached cottages to be occupied as independent living units. Another two-hundred (200) apartment-style independent living units are proposed within four-story multi-family buildings designed in residential style with gambrel roofs. One-hundred-thirty-three (133) of the apartment units are one-bedroom. Sixty-seven (67) are two-bedrooms. Twenty-four (24) assisted living units and forty-eight (48) skilled nursing beds are to be located within the multi-family building complex.

Access to the CCRC is proposed via a single-driveway connecting to Mendham Road (Route 24) for all residents, visitors and staff. Deliveries and daily service needs would be made through this driveway. A second point of access, for emergency purposes only, through a gated access drive at the south end of the loop road serving the independent living cottages is also indicated on the Abbey's concept plan. The gated access drive would connect to a proposed access drive for athletic fields and, ultimately, to Sugar Loaf Road.

#### **REVIEW CONSIDERATIONS BY BOARD**

In conducting its review of the Abbey's proposal the Planning Board considered voluminous documentary submissions by the Abbey, the Township's professionals, objectors, objector's experts and interested members of the public including the National Park Service. Although not required by statute or Township ordinances the Planning Board in the interest of providing a full dialogue and discussion on the merits of the proposal at an early stage in the planning process conducted public hearings on February 20, 2001, March 19, 2001, April 2, 2001 and April 30, 2001. At those hearings the Planning Board received extensive comment from the public including oral and written input from citizens opposing and favoring the proposed amendment, planning and engineering commentary by the Abbey's professionals, objectors' professionals and Township's professionals. All of the applicable documentary evidence is on file with the Planning Board Secretary and is available to the public. In overview the review has covered:

- Alternative forms of development including alternative concept plans for subdivision of the property under the present OS-GU Zone standards which permit single-family residential development on 3-acre lots.
- Comparative impact analysis of a single-family residential subdivision developed on the lands in question versus a CCRC with mandatory open space as discussed above on the same lands including the following issues:

- traffic
  - land disturbance
  - proximity to adjacent land uses
  - stormwater detention
  - visual impacts
  - impervious coverage
- 
- Strategies for preservation of open space including an inquiry to the Township Committee as to plans for public acquisition of the lands in question and how best to protect proposed open space by means of conservation easements
  - A balloon loft to study the visual impacts of a clustered CCRC development within the proposed 41-acre CCRC development area.
  - Appropriate means to provide necessary sewer and water infrastructure to serve a CCRC, the implications of extending sewer service for the project, the current capacity limitations on the sewer line serving the campus, the significance of legal limitations placed upon the use of that line, and the construction of a public or private force main sewer extension to the existing public sewer in Western Avenue next to Villa Walsh and the National Guard Armory.
  - Goals of the Township Master Plan and compatibility of a CCRC with those objectives as well as the policies of the State Development and Redevelopment Plan (SDRP) regarding new development within a PA-5, Environmentally Sensitive Planning Area.
  - Traffic considerations including the relative volumes of traffic from a CCRC versus a single-family residential development and the likely points of access on existing streets and roads.
  - The visual impacts and implications of development of land next to a National Historic Park and within the Washington Valley Historic District which is on the National Register of Historic Places.
  - Marketing considerations and viability of a CCRC use including the mix of units, differences between a CCRC and standard assisted living facilities, mix of entrants and turn-over rates.

### **PLANNING BOARD RECOMMENDATION**

Under the statutory responsibilities imposed on the Planning Board by N.J.S.A. 40:55D-89, the Master Plan reexamination report must state the specific changes recommended for the Master Plan. Based on all data and information gathered during this reexamination process, the Board has concluded that the Township Master Plan should be amended to designate a portion of the St. Mary's Abbey property for CCRC use. The amendment should also provide for use of 30 acres for playing fields and related accessory structures.

Recommended standards for these uses should be addressed in an amendment to the Master Plan. These standards should include (a) an identification of the 171 acre study area as the appropriate area to be zoned for the use, (b) a recommendation that the uses be conditionally permitted, and (c) recommended conditional use standards, which should include key development standards for the CCRC such as minimum tract size, maximum project size, maximum project density, requirements for clustering and mandatory open space, requirements for sanitary sewer service, controls to limit secondary impacts of sanitary sewer extension, and requirements for direct access to Route 24.

Recommended standards regulating parking, maximum building height, minimum building setbacks, and building and impervious coverage limits, should also be established. Finally, design standards should be recommended to encourage compatibility of any new development with the character of the Washington Valley Historic District in which the study area is located.

Comprehensive specific standards should be specified by ordinance and should be generally consistent with Master Plan recommendations. Master Plan standards should recognize that, while the study area and proposed use have been extensively studied, definitive metes and bounds survey data for the study area is not yet available. Therefore, all recommended standards should be considered to be estimates or approximations. Final standards should be established after definitive survey data is available, during the re-zoning process.

The Board has concluded that such a Master Plan amendment for CCRC uses will promote the general welfare without compromising the public health or safety. On balance, the benefits of this action will outweigh any potential detriments. In reaching these conclusions, the Board has made the following determinations:

- A CCRC is a needed and socially beneficial use that will provide an additional source of senior citizen community housing within Morris Township, in furtherance of the purpose specified in N.J.S.A. 40:55D-2.1.

- A CCRC in this location will accommodate infirm and/or disabled seniors by allowing them to reside in the same residential areas as individuals without a disability, in furtherance of the purposes of the Federal Fair Housing Act, 42 U.S.C. §3601, et seq.
- A clustered CCRC with mandatory open space will provide for the permanent preservation of approximately 100 acres of environmentally sensitive land at no cost to Morris Township.
- Existing OSGU zoning contains no cluster provision that would allow similar preservation of open space. OSGU zoning for schools, churches and public buildings contain no clustering provisions. Three-acre single family residential zoning, moreover, virtually ensures that the entire 171 acre study area would be carved into roads and individual single family building lots, thus resulting in a “sprawl” development pattern which affords no opportunity for permanent open space preservation.
- Although from the perspective of maximizing open space, acquisition of the entire 171 acre study area as open space would be a desirable planning objective, the Township Committee has acknowledged that it does not have the funds necessary to acquire the land. In addition, the landowner has stated repeatedly that the land is not for sale. Township strategies for open space acquisition, moreover, have never employed the use of powers of eminent domain in the face of a steadfast refusal by a property owner to sell.
- The proposal for 30 acres of ballfield development with associated accessory structures and a religious hermitage is consistent with existing OS-GU zoning.
- Approximately 5 acres (or 18%) of the 30 acres proposed for ballfields consist of open fields not requiring extensive tree removal.
- Under the current Master Plan and Zoning Ordinance, the study area can be developed for a large major subdivision containing as many as 38 new single family homes on minimum 3 acre lots. The same area could also be developed as of right under current zoning for school uses, including academic and administrative buildings, parking lots, playing fields, playgrounds, churches, and/or other places of worship.

- Given the environmentally sensitive nature of the land, its location within an historic district and its location adjacent to a national historic park, protection and preservation of significant amounts of open space in its natural state constitutes an important planning goal which will be achieved by the CCRC proposal.
- The extent of land disturbance will not be inconsistent with current OS-GU zoning standards or good development patterns.
  - ◆ Land disturbance for the CCRC concept plan would be approximately 37 acres (or 21.6% of the study area).
  - ◆ Land disturbance for a 38 lot residential subdivision concept plan within the study area would range between 37 and 51.5 acres.
  - ◆ Disturbance for the proposed ballfields and accessory uses plus the religious hermitage could add another 30 acres to the total proposed disturbance for the CCRC, thus increasing total land disturbance for the CCRC alternative to approximately 67 acres, or approximately 39% of the study area.
  - ◆ Morris Township has no ordinance regulations limiting percentage of disturbance, other than in regulated steep slopes areas.
  - ◆ A CCRC and the accompanying ballfields are capable of complying with Township Steep Slopes Ordinance disturbance requirements as evidenced by an analysis by professional engineers retained by St. Mary's Abbey.
  - ◆ Development of the study area for OS-GU uses such as schools, churches, public parks and playing fields would not be limited to 39% land disturbance.
- Building and total impervious coverage for the CCRC proposal will not be inconsistent with current OS-GU zoning.
  - ◆ Building coverage for the CCRC alternative (including buildings accessory to ballfield use) was estimated by a professional engineer for one objector group to be 3.56%, compared to 2.56% for a 38 lot subdivision within the study area.

- ◆ Maximum permitted building coverage for single family homes in the OS-GU Zone is 10%.
  - ◆ The OS-GU Zone places no limit on building coverage for other OS-GU uses.
  - ◆ Total impervious coverage for the CCRC alternative, including 5 acres of impervious coverage accessory to proposed ballfields, was estimated by the same objector's engineer to be 18 acres, or 10.5% of the study area (compared to 16.9 acres for a 38 lot subdivision).
  - ◆ Maximum impervious coverage permitted in the OS-GU Zone is 75% under Ordinance Section 95-32B.
- Although the number of living units per acre would increase significantly with the CCRC alternative (as compared with development of the same area for single family residences on 3 acre lots), the size and impacts of each CCRC unit would be far less than, and not comparable to, the size and impacts of each single family dwelling unit permitted under current OS-GU Zoning.
    - ◆ For example, single family dwellings containing 8,000 square feet could be built within the study area consistent with OS-GU Zoning requirements.
    - ◆ Typical proposed apartment-style independent living units in the CCRC would contain approximately 700 to 1,300 square feet. The average size independent living cottage would contain approximately 1900 square feet of living space.
    - ◆ Daily traffic trips for a single family detached dwelling under RSIS standards are 10.2 trips per unit.
    - ◆ Daily trips generated by a senior citizen independent living unit within a CCRC would be far fewer. For "retirement communities," the RSIS estimates 2.8 daily trips per dwelling unit.

- Unlike single family lots, which are exempt from site plan review and exempt from restrictions on tree removal once developed and occupied, the CCRC would be subject to both full site plan review and the Township's tree removal regulations.
- Unlike a single family residential subdivision within the study area, which could (a) directly access local roads such as Jockey Hollow Road, Wood Road, and/or Sugar Loaf Road, and (b) cause a significant percentage increase in the traffic using those local roads, the CCRC would (a) have direct access to Route 24, a State highway, and (b) cause only a small and easily manageable percentage increase in the traffic using Route 24.
- Access to the CCRC can be provided by means of an existing driveway to Route 24 with adequate sight distance.
- The CCRC proposal is consistent with Sector III Master Plan Goals for low intensity development and preservation of unique natural features such as flood plains, steep slopes, and wetlands (see page 12 of the Master Plan).
  - ◆ Existing development on the St. Mary's Abbey/Delbarton property is located on the westerly portion of the approximately 380 acre campus.
  - ◆ Existing impervious coverage on the westerly portion of the campus totals approximately 795,440 square feet.
  - ◆ Proposed impervious coverage for the CCRC, to be located on the undeveloped easterly portion of the campus, is approximately 566,300 square feet.
  - ◆ Total impervious coverage for the campus, including existing buildings, the proposed CCRC, and 5 acres of impervious coverage accessory to proposed ballfields, would be approximately 10% of the total site area.
  - ◆ This *total impervious coverage* is approximately equal to the maximum allowable *building coverage* permitted in the Township's most restrictive residential zone (RA-130). In the RA-130 Zone, a maximum of 10% building coverage is permitted.
  - ◆ Unlike development on the westerly portion of the campus, development of the easterly portion of the campus under the CCRC proposal would be

“fixed” by zoning restrictions and could not, without a variance, exceed coverage restrictions to be established for the use.

- ◆ When combined with existing building coverage on the westerly portion of the campus, proposed building coverage for the CCRC and ballfield uses would result in total building coverage for the entire campus of approximately 3%.
- ◆ The proposed open space restrictions would allow preservation of significant sensitive natural features including flood plains, steep slopes, and wetlands.
- Allowing sanitary sewer service to the CCRC by the Town of Morristown’s Sewage Treatment Plant will not improperly circumvent water quality planning for this sensitive area.
  - ◆ In order to implement the CCRC proposal, the property owner or developer must obtain approvals for wastewater management plan amendments from Morristown, Morris Township, and NJDEP.
  - ◆ Sewer service will not be allowed for the project unless the owner/developer demonstrates compliance with the stringent requirements of Executive Order 109, which requirements are designed to protect surface and ground water resources. The project cannot proceed unless NJDEP agrees that those stringent requirements are met.
  - ◆ The Planning Board recognizes the restrictions placed upon the sanitary sewer extension from the St. Mary’s Abbey/Delbarton property to the Butterworth Sewage Treatment Plant. Those restrictions are limitations on use of a specific sanitary sewer line running through the Foster Fields property but do not apply to any other sewer line.
  - ◆ As stated below in this report, the Planning Board has undertaken an analysis of potential secondary impacts that might result from extension of sanitary sewer service to the CCRC. The Board has recommended restrictions to limit such impacts, and has concluded that the risk of such impacts is minimal.

- The Township Master Plan sets forth a number of general guiding principles for achieving open space conservation and protection which will be furthered by this proposal. These guiding principles, and the Board's comments on how those principles will be furthered, are set forth below:
  - ◆ **Principle:** Use the area's watercourses, wetlands and other significant natural features as the plan's framework.
    - ▶ **Comment:** The Board notes that the CCRC open space conservation plan includes preservation of significant areas surrounding existing watercourses, preservation of wetlands, and preservation of steep slopes.
  - ◆ **Principle:** Blend and incorporate the open space plan with the historic places and structures of the area into a cohesive preservation plan for both the man-made and natural environments.
    - ▶ **Comment:** The Board notes that the CCRC open space proposal clusters development in an area designed to provide significant open space buffers for the National Historic Park and to minimize adverse visual impacts on the park.
  - ◆ **Principle:** To establish linkages among the open space/historic parcels through the use of linear greenways.
    - ▶ **Comment:** The Board notes that the CCRC open space plan includes approximately 100 acres of continuous open space which is linked and immediately contiguous to the open space associated with the National Historic Park.
  - ◆ **Principle:** Continue the use of cluster planning where appropriate to avoid sprawl development with the resulting open space being either dedicated to public use or placed in conservation easements to protect environmentally sensitive features such as steep slopes and wetlands.
    - ▶ **Comment:** The CCRC proposal directly furthers this important planning goal in ways that existing zoning will not.

- ◆ **Principle:** Be reasonable and flexible working with property owners to avoid imposing extraordinary development costs or exactions; emphasize joint government and private efforts to preserve and protect the natural environment of the area.
  - ▶ **Comment:** The CCRC proposal represents reasonable cooperative governmental and private action with resulting permanent preservation of approximately 100 acres of open space at no cost to Township taxpayers.
  
- ◆ **Principle:** Evaluate the impact of the extension of water, sewer and road improvements on the Township's ability to protect open space; the extension of infrastructure tends to intensify development pressure and makes open space protection more complicated and costly.
  - ▶ **Comment:** As discussed in more detail below, the Planning Board has carefully evaluated the potential secondary impacts of extension of sanitary sewer service to the CCRC. The Board has concluded, as noted below, that the extension of sanitary sewer service will not significantly intensify development pressure in surrounding areas and should not make open space protection more complicated or costly.

The Planning Board believes that these principles can be sensibly applied to the creation of a CCRC through the site plan review process while respecting and protecting the history, natural environment and legitimate rights of property owners within the area affected.

A major concern and issue for the Board, and one noted by many objectors to the proposal, is the issue of secondary impacts from the extension of sanitary sewer to the CCRC and the triggering of intensified development and urban sprawl beyond the 41± acre CCRC development area. The primary focus of the concern is on the extension of a private force main sewer line through the proposed conservation greenbelt along Jockey Hollow Road to connect with the existing Township sewer line in Western Avenue at Villa Walsh and the National Guard Armory. From that point the sewage would be conducted to the Morristown Sewage Treatment Plant. In evaluating this concern the Planning Board is satisfied that there is very little, if any, possibility of additional new development being induced to the area by the Morristown sewer option.

The Board has bifurcated its analysis into two distinct issues, namely, (1) the issue of secondary impacts associated with potential future extension of sanitary sewer service *beyond* the CCRC to Route 24 or beyond; and (2) the issue of secondary sewer impacts associated with extending sanitary sewer service *to* the CCRC along Jockey Hollow Road.

In regard to the first inquiry, the Board is satisfied that the risk of extending sanitary sewer service beyond the CCRC, into the Washington Valley Historic District north of Route 24, or other areas along or north of Route 24, can be effectively controlled through legally enforceable restrictions on the use of the sanitary sewer force main that will serve the CCRC. The regulations permitting CCRC use should require that (a) the sanitary sewer line be privately owned and maintained, and (b) the line accept sewage flows only from a permitted CCRC. These restrictions can be enforced both through the terms of the conservation easement that is proposed to be placed on the lands surrounding the CCRC, and through conditional use standards regulating the CCRC itself.

The second area of inquiry focuses on that portion of the proposed sanitary sewer force main that would run from an existing sanitary sewer manhole in Western Avenue by Villa Walsh and the National Guard Armory to the St. Mary's Abbey property on Jockey Hollow Road. St. Mary's Abbey has proposed that that sewer line be privately owned and maintained. The Board favors this approach, if a privately owned sewer line can be legally permitted in a public street. The Board recognizes, however, that it is ultimately the Township Committee which will determine the answer to that question. Recognizing that the Township Committee may conclude that the line may not be privately owned and maintained, the Board has undertaken an independent analysis of the potential secondary impacts of extending a public sewer line down Jockey Hollow Road to service the CCRC.

The Morris Township Open Space Inventory, as updated to May 11, 2000, lists only two (2) developable properties of significant size which theoretically could be served by the Morristown sewer option. These properties are the Rosenhaus tract (57 acres) and the Pellegrino property (10.2 acres) both located on Picatinny Road to the north of the sewer line extension. The extension of the line provides no added incentive in terms of lot yield beyond what now exists for Rosenhaus (Block 4601, Lot 1) to connect to the existing sewer at Villa Walsh in Western Avenue. The Pellegrino property (Block 4101, Lot 4) is much farther north on Picatinny Road. With a potential of only three (3) residential lots it also would have no incentive to connect to a sewer line in order to develop the land. Another tract (Block 4202, Lot 3) the Parr property (28.7 acres) lies on the west side of Picatinny Road opposite Pellegrino. The property is not listed on the Township Open Space Inventory. It was approved, but not developed, in 1991 as a major subdivision for six (6) lots on septic systems. As with Rosenhaus and Pellegrino a force main sewer to the CCRC neither encourages nor discourages development of the property. Should future development be proposed for Villa Walsh or the Armory property extension of the sewer

line to the Abbey gives no advantage or incentive because the sewer line already exists in front of these properties. Therefore, from the perspective of intensifying development pressures in and around the affected area, it appears that the secondary impact of the sewer line extension as discussed is neutral. The Planning Board remains concerned and vigilant regarding a possible intensification of development, but it has no evidence or identifiable sites where such sprawl would be triggered by extension of a force main sewer line designed and restricted to serve only a CCRC development.

Another area of concern to both the Board and the public is the issue of the off-site secondary impacts of traffic which would be generated by a CCRC versus a thirty-eight (38) home subdivision. Using the figures provided by the Abbey and restated by the objectors' experts there would be 672 daily trips generated by the independent living units. The figure does not include traffic associated with the operation of the nursing and assisted living units. For a single-family residential subdivision a total of 388 trips per day is estimated. Evening peak-hour traffic for the CCRC is estimated at 79 trips and for a residential subdivision the estimate is 45 trips. The Board understands that the traffic which would be experienced from a CCRC will probably be larger in terms of the absolute number of trips. However, as proposed by the Abbey and as would be restricted by any zoning ordinance which the Board may recommend, the CCRC traffic would be limited to Route 24 (Mendham Road). The Master Plan classifies Route 24 (Mendham Road) as an arterial street. As such it is designed and intended to carry higher traffic volumes and direct them to the other major routes in the regional road network. In September of 1999 Route 24 - Mendham Road was reported by Morris County to carry 1127 vehicles during the evening peak-hour. In contrast, while the traffic volume from a residential subdivision would be less in terms of the number of total and peak-hour daily trips, its impact would be felt on the local residential streets which would serve it. These include Jockey Hollow Road, Western Avenue, Picatinny Road, Bailey Hollow Road and possibly Wood Road if the cul-de-sac were extended.

A third area of secondary impact concern given close attention by the Board and by commentators on the CCRC was its visual aspects. In particular there was concern of potential adverse views for Jockey Hollow National Historic Park, Washington Valley and other surrounding areas and properties. Based on its review the Board has concluded that the proposed placement of the CCRC on the Delbarton campus is in the least visible location where such a facility could be built. Although it is not the most level topography within the approximate 171 acre expanse of land upon which a CCRC could be sited it is the one from a visual perspective which is obscured to vision from surrounding areas. Were the tract to be developed for an alternative large lot single-family residential development the visual impacts would increase significantly particularly to adjoining single-family residential areas due both to the proximity of the homes and the necessity to extend the development through a system of municipal streets. Therefore, compared with the most likely development alternative of a large subdivision, the

Planning Board believes that a CCRC would be less visually apparent and intrusive on the National Park and surrounding residential areas than a new single-family home development.

Finally, the Board has contemplated the alternative of retaining the entire balance of the Abbey's property as natural open space. Many of those who oppose a CCRC, and some who would oppose residential development as well, would favor this alternative. Suggestions, but no specific proposals, were made that the property could be bought by various open space organizations including possibly the National Park Service. However, it is the Board's belief, based upon statements from the Abbey's representatives, that the property is not for sale. Therefore, an acquiring agency would have to have the power of eminent domain to effect a taking for open space purposes. Only the Township Committee has this power in the municipality and it has not indicated any intent to exercise it. The latest Township Open Space and Recreation Plan (OSRP), as amended by resolution of the Township Committee on June 21, 2000, states with respect to the Delbarton school property that it has attributes of significant open space, a stream corridor and is adjacent to the National Park. For potential acquisition strategies the OSRP identifies conservation easement, Green Acres and federal partnership. The Planning Board takes notice of this document and has incorporated it in its revised form in the Reexamination Report. Under the present CCRC proposal, conservation easements would be the implementing mechanism to create permanent on-site open space.

#### **RELATIONSHIP TO STATE DEVELOPMENT & REDEVELOPMENT PLAN (SDRP)**

On March 1, 2001 the State Planning Commission readopted the State Development and Redevelopment Plan (SDRP). In the updated SDRP the St. Mary's Abbey/Delbarton campus remains classified as Planning Area 5, Environmentally Sensitive (PA-5).

The Planning Board believes that the proposed CCRC on the St. Mary's Abbey/Delbarton campus is well-reconciled and consistent with the guiding policies and objectives of the newly adopted SDRP.

First, the Board is satisfied that the threat of sprawl development is, in fact, lessened by the CCRC cluster development concept in contrast to a new large-lot-single-family development. Large-lot single-family residential subdivisions with extended roads, utilities and other infrastructure constitute the essence of suburban sprawl.

Second, the CCRC as distinguished from a new large-lot subdivision, will protect and preserve in perpetuity substantial contiguous open space land and maintain it in its natural condition. Thus, environmental resources are better protected as intended by the State Plan for PA-5.

Third, the State Plan recognizes "that growth and economic development will occur in

environmentally sensitive areas.” The Plan’s policy is to insure “that growth be guided into well-planned Centers with appropriately scaled public facilities and services.” New Jersey State Development and Redevelopment Plan (Final Draft October 2000) at Page 200.

Fourth, a properly planned CCRC is closely akin to, if not identical with, a small hamlet center. The State Plan describes hamlets as “the smallest places eligible for Center designation... .” The Plan recognizes that hamlets “are primarily residential in character... .” Further, new hamlets “should absorb the development that otherwise would occur in the Environs.” New Jersey State Development and Redevelopment Plan (Final Draft October 2000) at Page 227.

The CCRC is intended to be a small planned community surrounded by large amounts of open space and physically and visually remote from surrounding developed areas. It has a compact development pattern as would be found in a small hamlet. The CCRC would guide new development into a finite area of land with the specific intent to preserve open space, natural resources and the integrity of surrounding existing residential neighborhoods.

Fifth, the provision of a sanitary sewer line intended to serve only the CCRC properly guides this growth through private sector investment as envisioned by the State Plan. It does so without encouraging sprawl as noted in this Report.

Sixth, the environs of the CCRC are well-protected and buffered from the effects of its development. These areas will be permanently maintained as open space.

Seventh, the State Plan policy objective to provide for a full range of housing choices is furthered by this proposal which insures, in particular, that senior citizen housing is provided for persons with special needs for assistance with daily living activities and health care. Housing for these special needs is considered to be an inherently beneficial use of land under the laws of New Jersey. Further, the Municipal Land Use Law (MLUL) encourages the construction of senior citizen community housing as a particular purpose of the statute.

Eighth, the proposed single point of CCRC access to an existing State Highway (Route 24/Mendham Road) protects the environs of the CCRC from the scattered and piecemeal development impacts which would occur with a large single-family subdivision. The CCRC would have a main road linkage to the designated “Regional Center” of Morristown to the east and the designated “Village Center” of Mendham to the west as well as to Chester and Long Valley beyond.

Under the guidance of the SDRP "sprawl" is defined thus:

"Sprawl means a pattern of development characterized by inefficient access between land uses or to public facilities or services and a lack of functional open space. Sprawl is typically an auto-dependent, single use, resource consuming, discontinuous, low-density development pattern."

The Planning Board finds that the proposed CCRC provides for well-controlled and convenient access between and among land uses, public facilities and services. It also provides and protects a substantial amount of functional open space. The CCRC would combine the beneficial uses of senior housing, assisted living and nursing care facilities in a compact, clustered, development pattern. It would, therefore, not be considered sprawl under the specific definition of the SDRP.

Last, the Board finds that the St. Mary's Abbey proposal for a CCRC intends to utilize existing infrastructure with sewage treatment capacity which has been planned to serve additional growth in Morris Township. This advance planning for sewer capacity in portions of Morris Township is acknowledged in the February 1995 Center Designation Petition of the Town of Morristown. The State Planning Commission approved Morristown's petition and formally granted it designation as a "regional center."

For the above reasons the Morris Township Planning Board believes that the proposed CCRC, as a conditional use to be regulated and controlled by a new zoning amendment, is consistent with the intent, purpose and policy of the SDRP and the Municipal Land Use Law.

**Harding Township Master Plan (1984)**  
**(as revised through June 22, 1998)**

The northwest corner of the Township of Harding borders the St. Mary's Abbey/Delbarton Campus along its westerly boundary and Sugar Loaf Road. Except for eight (8) single-family residential lots within Harding along Military Hill Road the Harding boundary both north and south of Jockey Hollow Road is occupied by County parkland (Lewis Morris County Park) and Jockey Hollow Morristown National Historic Park. Both Harding Township's Land Use and Zoning Maps show the parkland designation for both the County and National Park facilities. As a matter of law, land use control of these facilities rests with the higher governmental jurisdictions and local zoning controls would have no force and effect.

The Great Swamp Watershed Overlay Zone boundary crosses through the National Park approximately 1,000 feet to the southwest of Sugar Loaf Road.

The Board has concluded that the proposed Master Plan Amendment is not inconsistent with the Master Plan for Harding Township. The proposed development area for the CCRC is remote from the Harding border. Visual impacts to the adjoining parkland located within Harding will be minimal. In addition, the CCRC will have direct access to Route 24, and no direct access (other than for emergency vehicles) to Sugar Loaf Road or any municipal road within Harding Township.

#### **Mendham Township Master Plan (2000)**

The Mendham Township boundary lies to the east of the St. Mary's Abbey tract and bisects Lewis Morris Park and Jockey Hollow National Historic Park. The Land Use Plan of the Township Master Plan places the park properties within the R-10 Ten Acre Minimum Lot Zone District. As with Harding Township's zoning regulations the Federal and County control of the properties preempts local zoning.

The Board has also concluded that planning for a CCRC within the study area is not inconsistent with the Master Plan for Mendham Township. Those portions of adjoining parkland within Mendham Township are even more remote from the development area for the CCRC than the Harding Township parkland. Likewise, the CCRC will have no direct access to Sugar Loaf Road (except as discussed above) and no direct access to any municipal road in Mendham Township.

#### **RECYCLING PLAN ELEMENT**

Morris Township is under the Morris County District Recycling Plan of 1988, a component of the district's Solid Waste Management Plan. The management plan applies to all solid waste generated at the municipal level from residential, commercial, and institutional sources. Under the State Recycling Act a recycling plan element must be incorporated into the municipal master plan.

At the time of the 1994 Master Plan the available recycling tonnage figures for 1988 and 1989 showed that Morris Township had surpassed the County goal of a twenty-five (25%) percent reduction in municipal solid waste by a wide margin. The final adjusted figures provided by the Morris County Municipal Utilities Authority show that the Township had documented recycling rates of 40.9% and 54.3% during the start-up years of 1988 and 1989.

As shown on the accompanying Table 5 Morris Township's documented recycling rate has increased steadily through the late 1990's. The County MUA defines the "documented recycling rate" as the quantity of solid waste recycling documented divided by the quantity of solid waste generated. Solid waste generated is the quantity of solid waste disposed of plus the quantity of solid waste recycled.

**TABLE 5  
 MORRIS TOWNSHIP DOCUMENTED DISPOSAL  
 &  
 RECYCLING TONNAGES & RECYCLING RATES FOR 1994-1998**

Category	1994	1995	1996	1997	1998
DISPOSAL TONS	10,834.4	9,716.4	9,748.1	9,633.3	9,794.5
RECYCLING TONS	19,033.7	22,374.4	22,716.4	24,541.5	27,102.7
RECYCLING RATES					
MORRIS TOWNSHIP	63.7%	69.7%	70.0%	71.8%	73.5%
MORRIS COUNTY	54.7%	58.2%	59.7%	61.0%	66.8%

Source: Morris County MUA, July 31, 2000

Morris Township's documented recycling rate since the 1994 Master Plan has increased steadily from 63.7% to 73.5% according to the County MUA statistics. These figures exceeded the countywide average which was 54.7% in 1994 increasing to 66.8% in 1998.

The 1994 Master Plan recommended the adoption of standards in Chapter 57 for the design of recycling facilities on site plans and subdivisions. Although the Planning Board considers such items at each site plan review the Ordinance has not yet been amended to incorporate specific design standards for recycling facilities.

**CIRCULATION PLAN ELEMENT**

The 1994 Master Plan analyzed and established a comprehensive road classification

system which remains applicable. This system was developed to be consistent with the four basic transportation policies inaugurated by the 1972 Master Plan of the Township. These policies were stated as:

- Maintain and improve the existing street system
- Encourage the development of needed arterial routes, such as I-287 and Route 24 with the termination of Route 24 only to Route 287 with no extension beyond it.
- Provide the development of circumferential roads where feasible, basically by utilizing existing roads
- Separate through and local traffic wherever possible

Consistent with the recommendations of the 1994 Master Plan, Chapter 57 of the Land Development Code was amended to provide new definitions of major and minor collector streets. The Code was also amended to establish new road right-of-way and pavement widths for primary and arterial streets and to set new road grade standards for arterial, major collector and other categories of roads. The revised ordinances also limited the length of dead-end or cul-de-sac streets depending on the zone district of the subject property. However, in 1997, these revised cul-de-sac street standards were superseded by the RSIS of New Jersey.

Residential driveway grade standards were also enacted as a result of the 1994 Master Plan. These limit maximum driveway grades to 15% with landing areas of not greater than 5% at the garage and street ends of a driveway.

A further traffic safety improvement was added to the Land Development Code to establish minimum required traffic sight distances depending on speed limits on the road and to provide for acceleration and deceleration lanes based on AASHTO criteria.

Several long-range roadway improvement projects in the Township recommended in the 1994 Master Plan have been accomplished as follows:

- East Hanover Avenue eastbound has been widened to two lanes over the railroad bridge to the east of Speedwell Avenue; completion of this project mitigated serious delays encountered at peak hours along this major commuter route. Due to the need for bridge reconstruction and right-of-way acquisition the project took many years to complete.

- Additional travel lanes have been added to I-287 between I-78 and Morristown to provide commuter traffic congestion relief at peak hours
- New signals with lead-green turning arrows have been installed at the intersections of Hanover Avenue with Ridgedale and Martin Luther King Avenues. These changes have improved commuter flows. However, congestion continues to occur at the intersection of Speedwell and Hanover Avenues during peak times when both routes carry very heavy volumes.
- A new traffic signal has been installed at Ridgedale Avenue and John Street to deal with the increased volumes of traffic and turning movements resulting from the opening of the new County jail.
- Kitchell Road has been improved to correct the conditions of narrowness, poor alignment, excessive crown, poor service conditions and poor drainage which were identified in the 1994 Master Plan.
- A new traffic signal at the intersection of Sussex Avenue and Raynor Road near the Randolph Township border has been installed to facilitate safer operations. This intersection continues to have very poor available sight distance. The new signal permits safer crossing and turning movements at the intersection.

#### Recent Traffic Volumes

Morris County makes periodic traffic volume counts on County routes and on major local streets near County routes in the Township. Table 6 below presents the counts made by Morris County in 1999 and the prior counts at the same locations. Between 1989 and 1999 24-hour two-way volumes on Whippany Road north of Columbia Turnpike have increased from 9680 to 12,432 vehicles per day, a growth of 28.4%. Significant increases in volumes have also been experienced along Ketch Road south of West Hanover Avenue where traffic increased from 2794 trips in 1990 to 4350 in 1999 an increase of 55.7%.

Volumes on Sussex Avenue east of Raynor Road have remained relatively stable at 10,602 vehicles in 1999 versus 10,167 vehicles in 1988. Likewise on Raynor Road south of Hanover Avenue traffic volumes have not changed materially over the last decade remaining between 2100 and 2200 trips.

By all indicators Hanover Avenue, which carries more than 21,000 vehicles in a 24-hour period, continues to be the highest volume local route in the Township. Despite the recent intersection and signal improvements, periods of congestion at peak commuter times continue to

exist along Hanover Avenue. One further improvement which should be considered is the construction of a right-turn lane and increased curb radius at the intersection of Hanover and Ridgedale Avenues to improve the traffic flow onto Ridgedale Avenue southbound. Many vehicles including large tractor-trailer trucks, make this turn to go into Morristown or onto I-287 south at Lafayette Avenue. The right turn lane deficiency adds to delays being encountered at the intersection. If the Home Depot application recently withdrawn from the Hanover Township Board of Adjustment is resubmitted and approved in the future other road improvements and widening will be required.

**TABLE 6  
 MORRIS TOWNSHIP  
 TRAFFIC COUNT SUMMARY 1999 & PRIOR YEARS**

Road Name	Road #	Location	Lanes	1 hr. cap.	Prior yrs. Average 24- hr. volume	1999 Average 24- hr. Volume
Whippany Road	511	North of Columbia Tpk.	4	5,000	9,680 ('89)	12,432
Sussex Tpk.	617	East of Raynor Road	2	2,084	10,167 ('88)	10,602
Ketch Road	Mun.	South of W. Hanover Ave.	2	2,084	2794 ('90)	4,350
Raynor Road	Mun.	South of W. Hanover Ave.	2	2,084	2179 ('90)	2,115

Source: Morris County Data Book 2000, Transportation, p. 54

**Current Road Projects**

The following list summarizes the road construction and other related projects in the Township accomplished and projected between 1999-2002:

- Resurfacing of Burnham Road from Mill Road to Lake Road (Twp. project)

- Reconstruction/pavement replacement E. Hanover Avenue from Whippany Road to Horsehill Road (County project)
- Resurfacing of Harter Road from Old Harter Road to Mt. Kemble Avenue. (Twp. project 2001)
- Bridge on Lake Road between Lake Valley Road and Bromleigh Way (County project 2001)
- Bridge project on Lake Valley Road between Lake Road and Richlyn Court (County project 2001)
- Resurfacing of Mill Road between Burnham Road and Speedwell Avenue (Twp. project)
- Sewer construction Pond Hill Road off of Normandy Heights Road (Twp. project)
- Road resurfacing and sewer repairs Normandy Parkway between Madison Avenue and Columbia Road (Twp. project 1999)
- Water main construction Sussex Avenue between Starlight Drive and Raleigh Court (SMCMUA. project)
- Reconstruction of Sussex Avenue between Starlight Drive and Randolph Township line (County project)
- Resurfacing and drainage improvements to Washington Valley Road between Mendham Road and Mendham Township line (Twp. project 2001)
- Resurfacing of Kahdena Road between Mendham Road and Sussex Avenue
- Replacement of Inamere Road bridge over the Whippany River (County project 2002)

**UPDATE OF TRAFFIC PROBLEM AREAS & IMPROVEMENTS (1994-2000)**

**PROBLEM AREAS**

**SUGGESTED IMPROVEMENTS**

<p>1. E. Hanover Ave. eastbound east of Speedwell Ave. Congestion at the bridge over the railroad.</p>	<p>Widen the bridge over the railroad to provide two travel lanes eastbound. Project was completed.</p>
<p>2. Improve Martin Luther King Avenue as a two-lane facility.</p>	<p>Roadway was reconstructed in 2000 with curbs and sidewalks.</p>
<p>3. Upgrade the street system in the Collinsville residential neighborhood.</p>	<p>Cleveland Ave. and Walnut St. have recently been repaved but curbs and sidewalks are needed throughout for pedestrian safety.</p>
<p>4. Left turns in and out of Cleveland Ave. at Hanover.</p>	<p>Left turns in and out during peak traffic periods have been prohibited to improve traffic flow and safety on Hanover Avenue.</p>
<p>5. Upgrade Punch Bowl Road as a two-lane roadway.</p>	<p>Punch Bowl Road was repaved in the mid-90's but widening with shoulders is needed particularly if added traffic volumes are generated by redevelopment of the Exxon property in Florham Park. Access should be limited in the area of the underpass.</p>
<p>6. Upgrade Mt. Kemble Ave.</p>	<p>Provided a uniform width with turning lanes as needed.</p>
<p>7. Close the Old Harter Rd. intersection with Mt. Kemble Ave.</p>	<p>Alternate-Restrict left turns into Old Harter Road only during 4-6 P.M. Mon.-Friday. Signalize new intersection of Harter Rd. at Mt. Kemble Ave. NJDOT project is scheduled for construction in 2001.</p>

8. Intersection of Indian Head and Mendham Roads.	Sight distance problem to be corrected by grading within sight triangles adjacent to intersection.
9. Upgrade James Street as a two-lane facility.	Widen and provide turning lanes as needed to the north of I-287 for safety reasons. Expand to a full interchange at I-287. This should be maintained as a long-range traffic study and future improvement.
10. Upgrade Kitchell Rd. as a two-lane facility.	Improvements to correct narrowness, poor alignment, excessive crown, poor surface conditions and poor drainage were done in 1999.
11. I-287 between I-78 and Morristown	Additional travel lanes in each direction to relieve congestion were completed in 1997.
12. Improvements to upgrade Sussex Avenue for safety	Preferred alternate-upgrade as a two-lane roadway with 12 foot lanes and 8 foot shoulders pursuant to the Township's resolution regarding the widening of Sussex Tpke.
13. Easterly intersection Old Mendham Rd. and Mendham Rd.	Old Mendham Rd. was recently repaved but the intersection has a steep downhill approach and limited sight distance.
14. Mendham Rd. @ Kahdena Rd.	Intersection was recently widened. A traffic signal might increase accidents on Mendham Road particularly of the rear end type due to the sharp curve west of the intersection.

<p>15. Bailey Hollow Rd. at Mt. Kemble Ave.</p>	<p>No accident problem but sight distance is limited on a steep downhill approach on Bailey Hollow Rd. Improvements needed to correct sight distance problem.</p>
<p>16. Speedwell Avenue approaching Morris Plains.</p>	<p>Widen to accommodate four travel lanes per State plans. Alternate-stripe to delineate NB lane drop and beginning of shoulder.</p>
<p>17. Upgrade Lake and Ketch Roads as two-lane facilities</p>	<p>Improve alignment and sight distances. Add shoulders.</p>
<p>18. Lake Valley Rd. bridge over the Whippany River.</p>	<p>Bridge replacement has been scheduled for 2001.</p>
<p>19. Inamere Road intersection at Lake Road.</p>	<p>Restricted sight distance to the left from Inamere Road. Should be improved.</p>
<p>20. Picatinny Road</p>	<p>Improve sight distance and grade at Mendham Road (recommendation of Twp. Engineer). Make improvements per resolution of approval (May, 1992) Cortese application.</p>
<p>21. Washington Valley Road</p>	<p>Improve alignment and sight distance at Mendham Road (recommendation of Twp. Engineer)</p>
<p>22. County Road # 617 (Sussex Turnpike) &amp; Raynor/Mt. Pleasant</p>	<p>Improve sight distances at southbound Raynor Road. Traffic signal was installed in 1998.</p>

23. U.S. 202 & Hanover Avenue -	Add right turn lane to northbound U.S. #202; modify signal for left turn phase for Hanover Avenue; widen Hanover Avenue west of U.S. 202 for 0.3 miles to provide two (2) lanes by direction. (It was noted by the Township Planning Board in its 1994 Master Plan review that there are approximately 50 homes with minimal setbacks along this section of Hanover Avenue raising issues as to safety and feasibility of a 4-lane roadway; there is presently a 66 foot right-of-way.)
24. Egbert & Sussex	Realign intersection and sight distance conditions

**UPDATE OF COMMUNITY FACILITIES PLAN ELEMENT**

Since 1990 when the Township's population not in group quarters increased from 18,815 residents to an estimated 21,863 residents in 2000 the Township's system of facilities and support services has been steadily improved and upgraded to maintain their quality and level of service for all residents. The following summary based upon prior Master Plan proposals documents recent improvements and changes.

Community Facilities Plan/Supporting Services

<p><u>SECTOR I</u></p> <p style="text-align: center;"><u>1994</u></p> <p>Normandy School was in use as Morris School District offices and for other school district functions since the 1980's.</p>	<p style="text-align: center;"><u>1994-2000</u></p> <p>School was reopened in 1999 for 320 students (K-5). District offices were relocated to the High School.</p>
<p><u>SECTOR II</u></p> <p style="text-align: center;"><u>1994</u></p> <p>Police headquarters on Woodland and Fire Department facilities on Springbrook Road and Fanok Road were retained with many capital improvements made; Police headquarters was expanded and upgraded.</p> <p>Convent R.R. Station</p>	<p style="text-align: center;"><u>1994- 2000</u></p> <p>Continued improvements were made to police facilities and equipment including major expenditures for new software (1997), communications center (1998) and traffic signals (1999); in 2000 in-car video cameras were added.</p> <p>Parking lot has been repaired and expanded; station is the western terminus of the Traction Line Recreational Trail which was inaugurated in 1998. NJ Transit upgraded the station signage and lighting.</p>
<p><u>SECTOR III</u></p> <p style="text-align: center;"><u>1994</u></p> <p>Gaston Rd. sewer improvements planned</p>	<p style="text-align: center;"><u>1994-2000</u></p> <p>Pumping station was replaced in 1997.</p>

<u>SECTOR IV</u>	
<u>1994</u>	<u>1994-2000</u>
Sewer improvements being planned for North Star Drive area.	Sewer improvements completed in 1995-1996.
Sewer treatment plant improvements to Butterworth STP completed and chlorine building repairs were underway.	All improvements completed per NJDEP requirements by 1994.
Further expansion of the DPW garage facilities recommended.	Expansion and improvements continued in 1996, 1997 and 1999; additional land was purchased in 2000 for future expansion.

**OTHER COMMUNITY FACILITY IMPROVEMENTS - (1986-1999)**

**Sewer Improvements (1994-2000)**

Western Avenue sewer reconstruction (1995)  
Winding Way, Barnstable & Kitchell (1999)  
Pond Hill Road and Columbia Road (2000)  
Woodland and Butterworth STP improvements - ongoing maintenance and upgrades  
Bayer/Elm Lane pump station upgrades (2001)  
Old Mendham Road, Reed, Wood, Valley View, Indian Head, and Doe Hill (2000)

**Planned Future Improvements**

Arrowhead - (2001)  
Barberry - (2002)  
Knox Hill Road - (2002)  
Sussex Place  
Sussex Avenue - Randolph Sewer Interceptor

**Recreational Improvements**

Ketch Road - Soccer field and playground area (1994-2000)  
Veteran's Field House (1997)  
Lake Road Soccer Field (1998)  
General improvements and equipment upgrades ongoing (1994-2000)  
Tot-lot development on existing Township owned land at Ginty & Butterworth Fields

**Planned Future Improvements**

Sector I	-	Green Field - Brook Stabilization Project
	-	Loantaka Brook - Buffer and Stream Stabilization
Sector IV	-	Hanover Avenue/Ketch Road two soccer fields
		Kiwanis Field - Ice skating pond
		Streeter Pool parking lot - rollerblading or skateboarding
All Sectors	-	Ongoing maintenance of playing field surfaces including repair of depressions and geese control

**FIRE DEPARTMENT**

**Station Improvements** - \$950,000 (2000)  
Addition and relocation of offices to Woodland Avenue

**Fire Vehicles** - \$580,000 (1998) - purchase of new ladder truck

**DEPARTMENT OF PUBLIC WORKS (1995-2000)**

Recycling and garbage vehicles (8)	-	\$813,000
Dump trucks (6)	-	\$411,800
Jeeps & utility vehicles (9)	-	\$183,500
Tree truck (1)	-	\$104,000
Forestry truck (1)	-	\$38,700
Misc. equipment	-	\$84,800

**Road/Drainage Improvements (1994-2000)**

Continuing Basis:		
Roadways	-	\$1,800,000
Drainage	-	200,000
Traffic signals	-	125,000

**FUTURE PLANNED IMPROVEMENTS (2000-2006)**

The following levels of improvements are projected to extend to 2006 which would be at the time for the next regularly scheduled Master Plan Reexamination.

Road/drainage improvements	-	\$3.0 million
Major vehicle & equipment replacement	-	\$2.4 million
New fire pumper truck	-	\$300,000
Sewer extensions	-	\$1.0 million

Expand Municipal Building - \$2.5 million

## **CONSERVATION OF NATURAL RESOURCES**

Since the adoption of the 1994 Master Plan the Township has devoted significant effort and resources to the protection of natural resources within its boundaries. Working through its Open Space Committee and the Morris Land Conservancy it has augmented its Open Space Plan and Element, participated in the work program of the Ten Towns Great Swamp Watershed Committee and adopted a number of strict new environmental regulations based upon the model ordinances of the Ten Towns Committee.

The Morris County 1988 Open Space Element recommended that a countywide Natural Resources Inventory to document resources as well as environmental constraints be undertaken. The 2000 Morris County Natural Resource Management Guide is the end product of this recommendation. Local planning strategies offered by the Guide, and which the Township has in place, are: stormwater management planning, land acquisition programs and conservation easements. Other strategies recommended include: habitat restoration plans, stream bank restoration and identification of existing and potential sources of non-point pollution with associated remedies.

### **Open Space Targeting & Acquisition**

Since adoption of the 1994 Master Plan the Township has moved aggressively on several fronts to analyze, prioritize and acquire additional open space for permanent protection. A summary of the key steps taken over the past six years includes the following:

- Review and priority listing of properties for acquisition based on site-by-site analyses prepared by the Township Planning Consultant and the Morris Land Conservancy to implement 1994 Master Plan recommendations.
- Adoption by the Township Planning Board of an augmented Open Space and Recreation Plan Element in 1997 which included vacant land property assessments and alternative open space acquisition strategies.

- Acquisition of 113.9 acres of new municipal open space since 1994 as follows:

<u>PROPERTY</u>	<u>ACRES</u>	<u>COST</u>
Jones Woods (Cortese) Picatinny Road Bl. 4101, Lots 3 & 7	38	\$500,000
State Property Ketch Road Bl. 901, Lot 1 Bl. 1803, Lot 15	56.9	\$425,000
Lukiw & Boyczuk Washington Valley Road Bl.3203, Lot 18	18	\$7500
LDJ Builders Fanok Road Bl. 373, Lots 31, 32 & 33	1	\$17,500
Total land acquired	<u>113.9</u>	<u>\$950,000</u>

These properties have been added to Plate #7, Open Space of the Master Plan.

- Potential pending future open space acquisitions by Township include:

<u>PROPERTY</u>	<u>ACRES</u>	<u>COST</u>
Jockey Hollow Top - Section 6 Mt. Kemble Ave. Block 5101, Lot 1*	58.21	<u>\$1,700,000</u>

(There is an existing agreement to purchase by Township.)

McEwan (Bluegate) Park Avenue Block 9701, Lot 1	16.8	unknown
---	------	---------

Rosenhaus Farm Picatinny Road Block 4601, Lot 1	19.5 acres (easement + scenic overlook)	unknown
---	---	---------

The proposed Master Plan amendment affecting the St. Mary's Abbey/Delbarton property can also lead to the permanent protection of significant additional open space at no cost to Township taxpayers. Refer to the discussion of this property under "Future Land Use Changes" above.

### **Morris County Open Space & Farmland Preservation Trust Fund**

At the County level new initiatives in resource protection, recreational and open space planning and farmland preservation have occurred since 1994.

The Morris County Open Space and Farmland Preservation Trust Fund in 1997 approved \$200,000 of the funds to acquire the State property on Ketch Road.

In addition to the open space preserved on the West Hanover tract the Township is participating in the open space planning for Greystone. In August 2000 Township representatives attended a meeting of state and local officials and interested citizens to discuss the future disposition of the Greystone Psychiatric Hospital property. The site has 671 acres and numerous buildings, many of them in dilapidated condition. Although primarily located within Parsippany and Morris Plains, the property's future use will have a profound effect on surrounding municipalities including Morris Township.

### **Whippany River Watershed Planning**

The Township Committee has designated a representative to monitor and coordinate with the ongoing work of the NJDEP Division of Watershed Management and the Whippany River Watershed Work Group. This year the Division of Watershed Management issued a report entitled "A Cleaner Whippany River Watershed: Non-point Source Pollution Control Guidance Manual for Municipal Officials, Engineers and DPW Personnel."

Representation in the Work Group includes the Association of New Jersey Environmental

Commissions, the Passaic River Coalition, the Great Swamp Watershed Association and the Morris County Planning Board.

The guidance manual offers techniques to control non-point source pollution working within the local planning process of master plans, zoning ordinances and land development regulations. It also recommends best management practices (BMP's) for reducing adverse stormwater impacts caused by fertilizers and pesticides, pet wastes, septic systems, roadway chemicals and water fowl and wildlife issues.

No specific model municipal regulations have been proposed from the study as yet. However, such model ordinances may be developed in the future and the Township, as a Whippany Watershed community, has a continuing concern and interest.

### **Great Swamp Watershed Planning**

Morris Township is one of the municipalities that comprise the "Ten Towns Watershed Management Committee". These towns are as follows:

- Bernards Township
- Bernardsville
- Chatham Township
- Harding Township
- Long Hill Township
- Madison Borough
- Mendham Township
- Mendham Borough
- Morristown
- Morris Township

There is actually an eleventh municipality, Chatham Borough, within the watershed, but it has only 27 acres which drain into it.

Approximately 4.42 square miles or 28% of the Township lies within the Great Swamp Watershed. This land area comprises about 8.1% of the watershed's 56 square miles.

The Ten Towns Committee was initiated by Morris 2000 in 1995 to provide for an effective "grass-roots" approach at the municipal planning level to deal with the areawide and regional issues of watershed management planning. The Committee's mission was to develop

and implement a watershed management plan. Its goals include the following:

- Maintain the present ecological condition of the Great Swamp as a wildlife preserve
- Maintain or decrease existing stormwater peak flows and volumes
- Maintain or improve water quality in the Great Swamp and its tributary streams
- Improve the macroinvertebrate population and diversity in all of the streams in the watershed
- Restore and stabilize conditions of stream erosion
- Maintain the present vegetation and ecological function of the Great Swamp
- Maintain or reduce flooding
- Maintain tertiary treatment at existing sewer treatment plants; properly maintain septic systems throughout the watershed

To effectuate these goals the Ten Towns Committee prepared and issued the 1997 Great Swamp Watershed Plan. The Plan outlined a series of implementing strategies which include:

- Stormwater management policies, ordinance and manual
- Soil Erosion and Sediment Control Ordinance
- Earth Disturbance Ordinance
- Tree Removal Ordinance
- Environmental Impact Statements
- Steep Slope Ordinance
- Wetlands Protection Ordinance

It also sets forth additional policy strategies for municipalities which include regional stormwater management facilities, waste water management and interagency cooperation.

Within the Township's 2,787 acres in the watershed 1318 acres or 47.3% are classified as residential and 740 acres or 26.6% are commercial/industrial. The remaining 729 acres or 26.2% are in public or semipublic uses, farms and vacant land.

Between 1995 and 1998 the Township made an ongoing review of its ordinances for changes arising from the 1994 Master Plan. The review encompassed legal concerns with certain existing development regulations and considered model ordinance recommendations from the Ten Towns Committee. Environmental ordinances using the Ten Towns models were adopted for steep slopes, wetlands and tree removal and protection. Stricter steep slope regulations limiting disturbance within slope areas of greater than 15% were adopted. Additional filing and documentation requirements pertaining to the coordination of municipal development review procedures with the wetlands regulations of NJDEP were also enacted. The tree removal and protection ordinance regulates excessive cutting of trees in conjunction with development applications and requires tree replacement. This series of ordinances culminated the Township's review in 1998.

In June of 2000 the Township Technical Coordinating Committee was given a presentation of the buildout analysis of the Great Swamp Watershed Association by the professional geographer with the association. The information presented to the TCC covered a general overview of the Ten Towns area and the watershed area, the methodology being used in their mapping program including 1995 aerial photographic data of the NJDEP. The purpose of the Association's buildout analysis is to examine the potential for future development within the relevant areas of the Ten Towns and assess the impacts a buildout might have on various factors including the economy, environment and quality of life. The ultimate goal of the Association's buildout project is to encourage the towns in the watershed to examine their current zoning districts to determine where additional growth may occur and to study the impacts of that growth. The analytic methodology includes delineation of land use cover based on the NJDEP mapping, the use of digitized zoning maps, as well as a parcel based approach which provides more accurate data. The TCC indicated the Township's desire to coordinate and share information as the project and Township Master Plan Reexamination process went forward.

**POLICY STATEMENT REGARDING OTHER MASTER PLANS**

The Municipal Land Use Law (§40:55D-28.d.) requires that a local master plan set forth its relationship to the master plans of adjacent municipalities, the County Master Plan, the State Development and Redevelopment Plan and the District Solid Waste Management Plan.

**Relationship to State Development & Redevelopment Plan (SDRP)**

Morris Township has been actively involved in the cross-acceptance work of the SDRP from the start of the State's comprehensive planning process in 1989.

The 1994 Master Plan described the Township's involvement in the SDRP, in pertinent part, at page 59 as follows:

" The Township Planning Board, Cross Acceptance Committee and professional staff, beginning in 1989 with the original Cross-Acceptance Report submitted to the County Planning Board and Office of State Planning, documented in detail the environmental sensitivity of the Washington Valley area, and urged its inclusion as a Tier 7 (Environmentally Sensitive Area) using the then terminology of the Interim State Plan. Subsequent to that the Township proposed and won an expansion of Planning Area 5, Environmentally Sensitive, in the adopted SDRP beyond what the State and County had originally proposed for the Township. After further review of the Plan by the Township's Cross-Acceptance Committee and Planning Consultant the Office of State Planning agreed to certain changes proposed by the Township to more accurately reflect local planning concerns and the Township's existing zoning for the Washington Valley area. The County Planning Board concurred in these changes and they were incorporated in the first State Development and Redevelopment Plan which was adopted in June 1992."

The 1994 Master Plan shows the delineated 2010 Planning Areas (Plate #10) for the Township of Morris. This map identifies Morristown as a "Regional Center". In 1996 the Town of Morristown was formally designated as a Regional Center by the State Planning Commission.

In further confirmation of the environmentally sensitive and historic character of Washington Valley (Planning Area 5) the Master Plan proposed a conservation overlay zone for lands of the MCMUA. Only public parklands, open spaces and conservation lands of a passive

recreational nature and other single-family and public uses in existence on September 14, 1992 are permitted. A zoning ordinance amendment in October 1995 adopted the overlay zone. This is the primary change in the Township relevant to the SDRP.

The State Planning Commission adopted a new State Development and Redevelopment Plan on March 1, 2001.

The State Development and Redevelopment Plan proposes to require the delineation of "community development boundaries" or "centers" in undeveloped parts of Planning Area 2 and in all of Planning Areas 3, 4 and 5 as a predicate for development. This may be problematic to the Township if it is to be construed by the State to prohibit or unduly restrict the proper use and development of land under the applicable municipal regulations. Morris Township is uniquely circumstanced geographically because it surrounds Morristown, a designated Regional Center. To disallow proper growth under municipal zoning by requiring that it occur only in designated centers or within community development boundaries would be poor land use planning that does not take into consideration the Township's unique geographic position.

As indicated under the discussion of "Future Land Use Changes" above, even in environmentally sensitive areas, land development proposals such as a CCRC can be planned for, in a manner consistent with the principles and objectives of the State Plan, without a formal center designation.

With the above noted caution it appears that the Township Master Plan and proposed SDRP can achieve consistency provided that the state plan remains as a cohesive and broad policy guide and does not degenerate into local land use planning by the State.

The proposed SDRP should be modified to permit proper growth and expansion of land uses as needed under applicable municipal regulations and ordinances where there is a large established center nearby and where additional new "centers" are not needed.

### **Residential Site Improvement Standards (RSIS)**

The Residential Site Improvement Standards Act (RSIS) N.J.S.A.40:55D-40.5 was enacted on January 29, 1993. The primary intent of the Act was to streamline the development approval process by establishing statewide technical site improvement standards for residential developments.

In accordance with the statute, the RSIS became effective on June 3, 1997. The

Appellate Division affirmed the facial validity of the RSIS on March 16, 1998. On May 13, 1999 the Supreme Court affirmed the decision of the appellate court and, likewise, held that the regulations were facially valid. Based on these rulings all municipal planning boards and zoning boards of adjustment are required to comply with the RSIS in reviewing and approving applications for all residential development.

The RSIS take precedence and preempt any local residential improvements standards insofar as they pertain to any topics contained within them. This represents a major change in State policy which has occurred since the last Master Plan.

The prior policy issues regarding cul-de-sac length that the Planning Board had considered during the previous reexamination have been rendered moot by the RSIS.

### **Morris County Master Plan Changes**

The 1994 Master Plan proposed a network of greenways and trails through and around Washington Valley including Patriots' Path. In 1998, Morris County initiated the Bicycle and Pedestrian Element of the County Master Plan to improve conditions for bicyclists and pedestrians. The Plan stated the following objectives:

- To develop an integrated system/network of bicycle and pedestrian facilities for both recreation and transportation purposes.
- To increase the safety of bicycling and walking
- To encourage bicycling and walking through community planning and encourage local facility investment.
- To promote bicycling and walking as alternatives to driving.

The Patriots' Path is a continuous 20-mile recreational path that runs through the Township as noted on the attached map. Access points and parking for the Path within the Township are located at:

- Sussex Avenue
- Lake Valley Road
- Inamere Road
- Washington Valley Road

- Old Rt. 24 - Sunrise Lake, Lewis Morris Park

The Traction Line Recreational Trail was inaugurated in 1998. Access to the Trail, a 2.5 mile asphalt paved path, is at Convent Road. This multi-use path for bicycling, walking and jogging parallels the New Jersey Transit railroad tracks.

Bicycle parking in the New Jersey Transit rail station at Convent Station has four (4) bike racks and ten (10) bike lockers.

County and Township plans are basically consistent and support the mutual efforts of both entities.

#### **ADJOINING MUNICIPAL MASTER PLANS**

In compliance with the MLUL the Township Master Plan, as reexamined, has been compared with the following municipal master plans:

- Denville Township (Master Plan 1993, now being reexamined)
- Florham Park Borough (Master Plan 1990, as reexamined in 1996, update for 2000 in process)
- Hanover Township (Master Plan 1980, as reexamined and updated 1997)
- Harding Township (Master Plan 1994, as reexamined and amended 1998)
- Madison (Master Plan 1992, as reexamined in 1999)
- Mendham Township (Master Plan 1983, as reexamined in 1999, new Master Plan Draft 9/22/00)
- Morris Plains (Master Plan 1984, as reexamined in 1988 and 1995)
- Morristown (Master Plan 1978, as reexamined in 1997, Master Plan Update in process)
- Parsippany-Troy Hills Township (Master Plan 1987, as reexamined in 1993 and 1998)

■ Randolph Township (Master Plan 1992, as amended 1999)

Since 1994 land use changes within the adjoining municipalities have not posed any conflicts or adverse impacts within the Township. The designation of Morristown under the New Jersey SDRP as "regional center" formalized its identification as such in 1996. As found in 1994 the land use pattern along the Township's common borders with neighboring towns has remained essentially stable with several exceptions.

Harding Township's Housing Element and Fair Share Plan proposes to construct an affordable housing development on a township-owned site on Kitchell Road across from the Moore Estate inclusionary development. Harding's proposed density would be at three (3) dwelling units per acre. The Moore Estate is at a density of five (5) units per acre.

Recently, Home Depot, U.S.A., Inc. withdrew its variance and site plan applications from the Hanover Township Board of Adjustment. This application posed a potential pressure point, additional traffic congestion and other adverse impacts affecting existing local businesses in Morris Township near the intersection of Ridgedale and East Hanover Avenues. Morris Township should continue to monitor this area for any application resubmission in the future.

Hanover Township has adopted a new zone district, the PU-Public Use District, which is intended to recognize large-scale public or quasi-public uses in the Township. This zone designation has been applied to the Morris County Library, County Garage and the Morristown Sewage Treatment Plant (STP) on E. Hanover Avenue. A new "arterial street" connecting to Hanover Avenue just east of the Morris Plains border is also shown on the 1997 Update of the Hanover Township Master Plan.

The departure of ExxonMobil from its Florham Park research campus (260 acres south of Route 24 and 220 acres north of Route 24) creates another significant change with the potential for new impacts depending on how the property is used in the future. Existing office space on the campus amounts to 600,000 square feet. Proposals by Gale & Wentworth, in conjunction with the land of the Rockefeller Development Group (143 acres) are requesting that Florham Park entertain zoning and master plan changes to permit up to 2.2 million square feet of office space and a new hotel. This area of potential development should be monitored closely by the Township.

As noted above in this report the future land use decisions regarding Greystone Park Hospital will have, it is hoped, a beneficial impact on its surroundings particularly with respect to a greater degree of open space protection along the Township's northern border. This area of future change should be monitored closely as well.

Within the Township's borders two significant changes, one actual and one potential, along municipal boundaries have been the construction of the new County Jail and the consideration of a CCRC on the St. Mary's Abbey/Delbarton property by the Planning Board. Both of these are discussed at length in this report.

## **RECOMMENDATIONS**

The Morris Township Master Plan, as reexamined by the Planning Board in 2000, is intended to achieve a high degree of consistency and compatibility with the planning efforts of adjoining communities, the County Planning Board and the State Planning Commission. It is also intended to guide the Township's growth, redevelopment and environmental protection efforts for the next six years.

Therefore, this Master Plan Reexamination Report recommends:

- 1. Reaffirmation of the goals and objectives of the 1994 Master Plan with heightened emphasis on environmental protection and maintenance of the quality of life for Township residents. Specifically, it is recommended that the 1994 goals be updated to read in their entirety as follows:

Goal 1 - Preservation of residential and open space character of the community.  
A comprehensive and detailed Recreation and Open Space Plan Element has been prepared and further detailed and augmented. It retains all existing public open space and proposes various enhancements and additions to the existing intergovernmental and institutional open space network of the Township consistent with the Recreation and Open Space Plan Element. The residential character of the community is essentially established at this time. Except as discussed under "Future Land Use Changes" above, no shifts in the basic residential pattern are foreseen or advocated by this Master Plan. There will continue to be in-fill development of residential uses as permitted by present zoning. The private vacant land supply is very limited and new residential development will be commensurately limited in scale and incremental in nature. Due to the potential critical impacts of new infill development on the community careful Planning Board scrutiny of all new development applications and strict application of land development ordinances are warranted. Continued open space acquisition and protection of key land parcels through purchase, conservation easements, and other measures is

recommended.

Goal 2 - Minimization of pollution.

This goal continues as an important focal point for Township planning and development activities. At the site-specific level the Planning Board monitors, under applicable local and State standards, the pollution generating aspects of development applications which come before it. This includes stormwater runoff and water quality control basins, septic system locations and the preservation of trees to help protect air quality. New emphasis on water quality planning on a watershed basis to avoid and minimize non-point source pollution is recommended.

Goal 3 - Preservation and enhancement of historic sites and recreational facilities for public enjoyment.

A detailed Historic Plan Element, the first in the Township's history, was adopted in the 1994 Master Plan. This element identifies building sites and districts in the Township which are of noteworthy historic significance and proposes specific steps to incorporate them into the land use planning framework of the Township. The element was augmented by the Township's Historic Preservation Commission with further details which the Board incorporated as an appendix to the Master Plan. The Historic Plan Element represents a major step forward in planning for historic preservation within the Township. Further, the expanded Open Space and Recreational Plan Element, as noted above, makes additional recommendations regarding the enhancement and improvement of Township recreational facilities for public enjoyment.

Goal 4 - Preservation of the low density single-family home character of the Township and multi-family development in carefully selected areas.

This goal has effectively guided establishment of existing residential development patterns within the Township. This development pattern includes a community which is substantially low density single-family residential in character, but also includes appropriate multi-family development in carefully selected areas. In this Reexamination Report, this goal has been successfully applied to the planning for a continuing care retirement community on a portion of the St. Mary's Abbey/Delbarton property. Refer to the discussion of this topic under

“Future Land Use Changes” above.

This goal will remain in effect to maintain established patterns of densities both for single family and multi family uses in the Township, and to permit new senior citizen housing opportunities on a portion of the St. Mary’s Abbey property in response to changing societal needs. Remaining residential development of single-family homes in Morris Township will continue to occur primarily on an in-fill basis. As noted in the 1994 vacant land analysis the remaining single-family development potential was limited by the fact that there were fewer than 300 acres of remaining private vacant land. The supply has diminished further since then. In addition, the Mt. Laurel multi-family rezonings and buildout which have occurred address the Township's current obligation for Fair Share Housing and provide a current surplus of 31 units. Due to the lack of suitable and developable land the likelihood is that any future fair share housing obligations which the Township may have will have to be addressed through mechanisms other than multi-family rezonings. Such mechanisms may be surplus units, rehabilitation, regional contribution agreements and other non-developmental methods which would be acceptable to the New Jersey Council on Affordable Housing.

Goal 5 - Maintenance of existing commercial areas and restriction of new commercial development.

This goal remains applicable as stated. There have been no dramatic increases in Township population necessitating the expansion of commercial areas to serve new growth. Existing commercial areas within the Township and in nearby communities continue to serve adequately the population needs of the Township. Therefore, changes in commercial land use are not foreseen in the context of this Master Plan. The formal designation of Morristown as a "regional center" by the State Planning Commission supports this Township goal. Some in-filling of commercial uses within existing commercial/industrial areas may be anticipated, however, including redevelopment and renovation of existing sites along Ridgedale, Hanover and Speedwell Avenues.

Goal 6 - Improvement and maintenance of the existing street system and the development of needed arterial routes.

This goal has been modified to reflect the new configuration of Route 24

with its terminus at Route 287. The present plans do not call for this route to be extended further west than Route 287 and such extension is opposed by this Master Plan. Growth projections for Morris County have changed substantially since the original Route 24 proposal and the need to extend the road beyond Route 287 is no longer considered appropriate. The Circulation Plan Element details a number of specific traffic improvements for the Township on the existing road system including intersection improvements.

- 2. Confirmation of the appropriateness of the Land Use Plan Element, as amended by the Planning Board between June 1994 and this Reexamination Report. Amend and update the map for the Land Use Plan (Plate #9), Housing Plan Element (Plate #5) and Open Space (Plate #7) to reflect the changes since 1994 and the recommendations of this reexamination.
- 3. Review and update of the Fair Share Plan and Housing Element as certified by COAH, when COAH issues the Township's new calculated need figures for the Township for the years 2000 to 2006. No changes or expansion in multi-family housing are proposed or recommended at this time.
- 4. Continuation of ongoing municipal programs for recycling, capital, road and infrastructure, and recreational improvements underway and planned is recommended. Adopt ordinance standards for on-site recycling facilities per the 1994 Master Plan recommendations.
- 5. Continued and expanded efforts by the Township's Open Space Committee in conjunction with the Morris Land Conservancy to acquire additional open space tracts particularly those subject to development, wherever appropriate. The updated "Morris Township Property Assessment - Open Space Acquisition Strategies" was incorporated into the Open Space and Recreation Plan of the Township of Morris dated October, 1997 by resolution of the Township Open Space Committee on May 11, 2000. The Planning Board acknowledges this action of the Open Space Committee and recommends its incorporation into the augmented Open Space and Recreation Plan Element which was formally adopted by the Board on October 6, 1997.
- 6. Continued liaison and coordination with State, County and regional planning efforts including the State Development and Redevelopment Plan, County Master Plan and watershed planning for the Whippany and Great Swamp Watersheds. The Planning Board recognizes the fundamental aspect of the State Plan to favor development to areas where infrastructure exists.

- 7. Renew consideration by the Planning Board of the Great Swamp model stormwater management ordinance regarding total runoff controls.
- 8. Review and update the Township's population data and demographic changes following publication of the 2000 Census.
- 9. Continued consideration of the draft wireless telecommunications ordinance transmitted to the Board in June of 1999 by the TCC and recommended by the Board of Adjustment in its annual report of activities for 1999. Measures to be considered for wireless facilities include co-location, "stealth" technology and concealment of antennas and buffering of sites and facilities.
- 10. Recodification and update of the present Land Development (Chapter 57) and Zoning (Chapter 95) to: eliminate obsolete or conflicting provisions which are no longer applicable due to RSIS, review and update checklists for development applications, provide needed ordinance amendments (i.e. minor site plan and site plan waivers, deer fencing standards, and cash bond requirements in lieu of on-site tree replacement) and to prepare a consolidated and simplified Land Use Code in a single volume.
- 11. Consideration by the Planning Board of measures to reduce the extent of maximum impervious site coverage in the I-21 and B-11 Zone Districts from 75% to 65% to minimize non-point source pollution and to be more consistent with the limitations of the OL Districts which range from 50% in the OL-5 to 65% in OL-40.
- 12. Add right turn lane and increased curb radius at the intersection of Hanover and Ridgedale Avenues to improve the traffic flow onto Ridgedale Avenue southbound, particularly for tractor-trailers.
- 13. Consider possible improvements to the right turn lane at E. Hanover Avenue and Whippany Road southbound to relieve congestion on Hanover Avenue eastbound at peak commuter hours.
- 14. Conduct survey of stub streets and deficient width cul-de-sacs for access by municipal and emergency service vehicles.
- 15. Conduct a review of possible increases in residential minimum lot size requirements and a study of coverage and bulk limitations to determine if any changes to the Zoning Ordinance are appropriate and feasible.

- 16. An amendment to the Master Plan to designate a portion of the St. Mary's Abbey/Delbarton property for CCRC use (and use of 30 acres for playing fields and related accessory structures) in accordance with the discussion under "Future Land Use Changes" above.

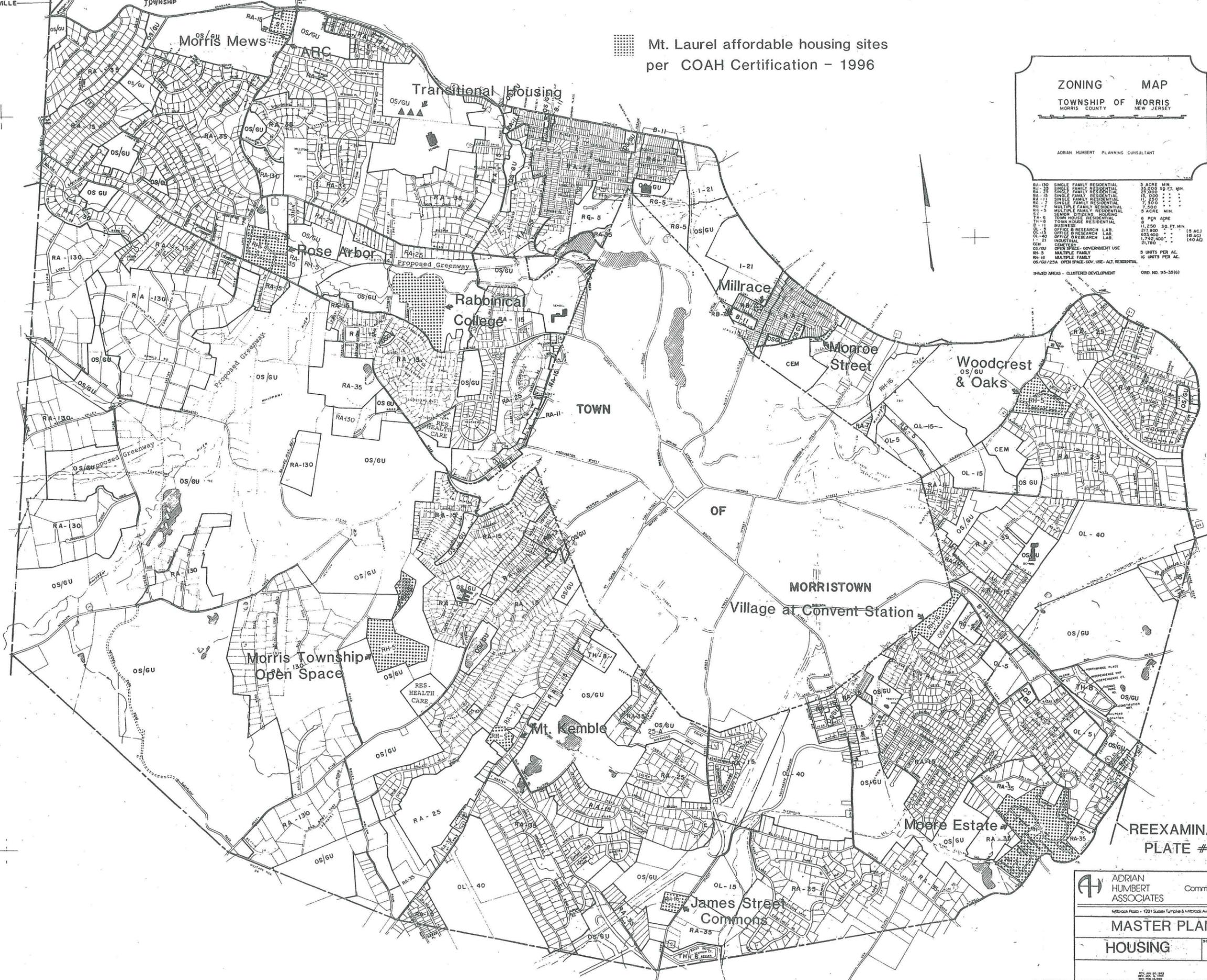
### Mt. Laurel affordable housing sites per COAH Certification - 1996

**ZONING MAP**  
**TOWNSHIP OF MORRIS**  
 MORRIS COUNTY  
 NEW JERSEY

ADRIAN HUMBERT PLANNING CONSULTANT

RA-130	SINGLE FAMILY RESIDENTIAL	3 ACRE MIN.
RA-35	SINGLE FAMILY RESIDENTIAL	35,000 SQ. FT. MIN.
RA-15	SINGLE FAMILY RESIDENTIAL	15,000 . . . . .
RA-12	SINGLE FAMILY RESIDENTIAL	12,250 . . . . .
RA-7	SINGLE FAMILY RESIDENTIAL	7,200 . . . . .
RA-5	MULTIPLE FAMILY RESIDENTIAL	5 ACRE MIN.
TH-8	SENIOR CITIZENS HOUSING	6 W/4 ACRES
TH-9	TOWN HOUSE RESIDENTIAL	6
B-11	BUSINESS	4,250 SQ. FT. MIN.
OL-15	OFFICE & RESEARCH LAB.	217,000 . . . . . (15 AC)
OL-40	OFFICE & RESEARCH LAB.	603,400 . . . . . (18 AC)
I-21	INDUSTRIAL	1,742,400 . . . . . (40 AC)
CEM	CEMETERY	2.70
OS/GU	OPEN SPACE, GOVERNMENT USE	5 UNITS PER AC.
RH-5	MULTIPLE FAMILY	16 UNITS PER AC.
RH-16	MULTIPLE FAMILY	16 UNITS PER AC.
OS/GU/25A	OPEN SPACE, GOV. USE, ALT. RESIDENTIAL	

SHADDED AREAS - CLUSTERED DEVELOPMENT      ORD. NO. 95-35(16)



REEXAMINATION 2000  
PLATE #5

**ADRIAN HUMBERT ASSOCIATES** Community & Land Planners  
 1001 Sussex Turnpike & Millbrook Avenue - Parsippany, New Jersey 07659 - (908) 855-7366

**MASTER PLAN - 1994**

<b>HOUSING</b>	SCALE	DRAWN BY
		REVISED

BASE MAP PREPARED BY AMERICAN AIR SURVEYS PITTSBURGH, PA.







**RESOLUTION OF THE MORRIS TOWNSHIP PLANNING BOARD**  
**RE: PERIODIC MASTER PLAN REEXAMINATION**

WHEREAS, the Morris Township Planning Board (the "Board") is required to undertake a general reexamination of the Morris Township Master Plan and development regulations at least once every six (6) years; and

WHEREAS, the current Morris Township Master Plan ("the "Master Plan") was adopted on June 20, 1994; and

WHEREAS, during the year 2000, and continuing into the year 2001, the Board undertook a comprehensive general reexamination of the Master Plan; and

WHEREAS, on or about May 7, 2001, the Board by resolution adopted as its periodic general reexamination report a document entitled "Morris Township Master Plan Reexamination 2000" (herein called the "Original 2000 Reexamination Report") prepared by Adrian P. Humbert, AICP, PP, dated October 2000 and last revised April 16, 2001; and

WHEREAS, the Original 2000 Reexamination Report noted that the issue of CCRC use on a portion of the St. Mary's Abbey/Delbarton property Tax Block 4501, Lot 2 (sometimes called the "Property") was still under review, and that results of the pending review would be incorporated into a future amendment to that document; and

WHEREAS, this issue has been extensively studied, both before and after May 7, 2001; and

WHEREAS, on April 30, 2001, the Board voted to direct the Technical Coordinating Committee ("TCC") to prepare a draft Master Plan amendment and updated draft comprehensive Master Plan reexamination report that would provide for CCRC use and mandatory open space on a portion of the Property; and

WHEREAS, the Township Planner, with the assistance of the other members of the TCC, has prepared a document entitled "Morris Township Master Plan Reexamination 2000, October 2000, Revised to Sept. 10 , 2001" which provides for CCRC use and open space on a portion of the Property, in conformance with the Board's directive (this document is referred to herein as the "Updated 2000 Reexamination Report"); and

WHEREAS, the Updated 2000 Reexamination Report was the subject of a formal public hearing on September 10, 2001; and

WHEREAS, public notice of such hearing was provided in accordance with N.J.S.A. 40:55D-13; and

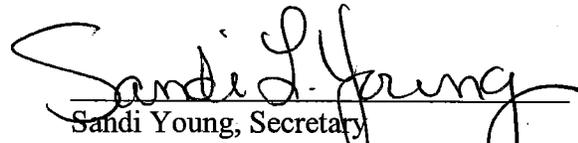
WHEREAS, the Board has determined that the Updated 2000 Reexamination Report should be adopted pursuant to N.J.S.A. 40:55D-89.

NOW, THEREFORE, BE IT RESOLVED, by the Morris Township Planning Board that the Board hereby adopts as a general reexamination of the Morris Township Master Plan and development regulations the report of Adrian P. Humbert, AICP, PP, entitled "Morris Township Master Plan Reexamination 2000, October 2000, Revised to Sept. 10 , 2001."

IT IS FURTHER RESOLVED, that the Updated 2000 Reexamination Report shall be deemed revised to September 10, 2001, and that this date shall be endorsed by the Township Planner on the cover page of that document.

IT IS FURTHER RESOLVED, that the Secretary of the Board shall send a copy of the Updated 2000 Reexamination Report, and a copy of this resolution, to the Morris County Planning Board and to the clerk of each adjoining municipality, in conformance with N.J.S.A. 40:55D-89.

I hereby certify that this is a true copy of a resolution duly adopted by the Morris Township Planning Board at a public meeting held on October 1, 2001.

  
Sandi Young, Secretary  
Morris Township Planning Board

**AMENDMENT TO  
TOWNSHIP OF MORRIS MASTER PLAN**

**RE: BLOCK 4501, LOT 2**



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

  
**Adrian P. Humbert, AICP/P.P.**

## INTRODUCTION

Simultaneously with the adoption of this Master Plan Amendment, the Morris Township Planning Board (the "Board") has adopted a report entitled "Master Plan Reexamination 2000," revised to September 10, 2001 (referred to herein for convenience as the "Reexamination Report").

In the Reexamination Report, the Board has concluded that the Master Plan should be amended to designate a 171+/- acre portion of the St. Mary's Abbey/Delbarton property, Tax Block 4501, Lot 2, for continuing care retirement community ("CCRC") use. The Board has also concluded that the amendment should (a) specify that the balance of the 171+/- acres not used for CCRC purposes must be set aside as open space, and (b) provide for the use of up to 30 acres of such open space for athletic fields and related accessory structures, and a religious hermitage.

The Board's recommendations and its reasoning process are discussed at length in the section of the Reexamination Report entitled "Future Land Use Changes." That discussion is incorporated herein verbatim by reference. A copy of that section of the report is attached hereto as Schedule A.

This amendment to the Morris Township Master Plan follows the recommendations of the Reexamination Report in regard to the St. Mary's Abbey property.

## RECOMMENDED CCRC ZONING

**Zone District.** A new zone district, which may be entitled the OSGU-CCRC Zone District, should be delineated to encompass the area of approximately 171 acres (comprised of areas designated as 40 +/- acres, 90 +/- acres and 41 +/- acres) as depicted in "Remaining Acreage Plan for St. Mary's Abbey," prepared by Schoor DePalma, dated 2/5/01 and last revised 7/13/01. (Sometimes referred to herein as the "Remaining Acreage Plan"). A metes and bounds delineation of the proposed district should be incorporated into any zoning ordinance amendment providing for CCRC use in this area. Within the proposed zone district boundary, the proposed CCRC development area of approximately 41 acres should also be delineated by metes and bounds.

**Uses.** The new zone district should permit those principal uses as are currently allowed within the OSGU Zone. The CCRC should be regulated as a conditional use, with appropriate accessory support services and facilities. These support services and facilities should be specified in the zoning ordinance. Support services and facilities that must be housed in a building should be required to be located within the buildings containing the independent, assisted living, and nursing care units. Open space, including up to 30 acres of athletic fields, and related accessory structures, and a religious hermitage should also be allowed as conditional uses. As discussed below, mandatory open space should also be a conditional use *requirement* for any CCRC.

### **CONDITIONAL USE STANDARDS**

An ordinance permitting continuing care retirement communities as a conditional use in the new zone district should include the following conditional use standards.

**Project Size and Unit Mix.** An ordinance providing for CCRC use in this area should establish a maximum project size. Except as noted below, maximum project size should be 312 units. The following standards are recommended for unit mix:

- Independent Living Units                      A maximum of 240 units and a minimum of 200 units. No more than forty (40) independent living units should be detached or semi-detached cottages. All remaining independent units should be multi-family apartment style dwellings.
- Assisted Living Units                              As part of original project construction, at least one (1) assisted living bed should be provided for each ten (10) independent living units.
- Skilled Nursing Units                              As part of original project construction, at least two (2) nursing care beds should be provided for each ten (10) independent living units.

The ordinance should allow an increase in maximum project size, not to exceed 352 units, to reflect changing needs of the CCRC population for increased assisted living and/or skilled nursing care. The ordinance should permit the number of assisted living beds and/or units and the number of skilled nursing beds and/or units to increase, or decrease, to reflect the changing needs of the CCRC population. The ordinance should require that any increase in assisted living, or skilled nursing units or beds be met by the conversion of approved independent living units or other space within an existing approved building. Building additions to accommodate more assisted living or skilled nursing units should be prohibited.

In adopting an ordinance to implement these Master Plan amendments, the Township Committee should consider whether limits should be placed, not only on units, but also on beds.

**Minimum Tract Area and Maximum Density.** The minimum tract area for a CCRC should be approximately 170 acres. Density should not exceed the total number of permitted CCRC units, divided by the actual tract area as determined by a metes and bounds survey.

**Clustering Requirements.** The ordinance should require that any CCRC development be clustered. One of the conditions of the conditional use should limit development to the approximately 41 acre development area identified in the Remaining Acreage Plan. The development area, as noted above, should be defined by metes and bounds in the zoning ordinance. This conditional use requirement is based upon extensive studies to identify an area for CCRC development with the least visual and other impacts on surrounding residential uses, and the National Historic Park. This recommendation follows careful consideration of the character of the zone district and a finding of peculiar suitability of the delineated development area for CCRC use.

**Setbacks from Surrounding Streets.** Consistent with the Board's desire to cluster CCRC development in the approximately 41 acre development area, the ordinance should also include as conditional use requirements minimum setbacks from surrounding streets. These setbacks shall be substantially consistent with the measurements presented to the Board in the "Subdivision/CCRC Comparison," prepared by Schoor DePalma, last revised 2/15/01. The following setbacks are shown in the subdivision/CCRC comparison:

<b><u>Street Name</u></b>	<b><u>Setback</u></b>
Jockey Hollow Road	2,170 feet
Sugar Loaf Road	740 feet
Wood Road	760 feet

**Buffers.** Buffer requirements should be established along Jockey Hollow Road and Sugarloaf Road. A minimum passive open space buffer of 250 feet should be required along each road. No development or disturbance should be permitted within the buffer area, except for activities permitted within mandatory passive open space areas under paragraphs (a) through (e) on page 4 below. In short, the same activities permitted in mandatory passive open space should be permitted in the buffer area.

**Open Space.** All tract area outside the approximately 41 acre development area shall be maintained as open space. Open space preservation should be assured by means of a conservation restriction under the New Jersey Conservation Restriction and Historic Preservation Restriction Act, N.J.S.A. 13:8B-1 et seq. The conservation restriction may be granted to the Township of Morris, or to an independent, recognized, nonprofit charitable conservancy whose

purpose is the preservation of open space. The ordinance should require that the conservation restriction be recorded in the Morris County Clerk's Office.

Open space may be dedicated for public use, but the ordinance shall not make this a requirement of the conditional use. If open space is not dedicated to public use, it shall be maintained for the benefit of the property owner and the residents of the CCRC. The ordinance should clarify that this provision shall not empower the property owner or CCRC residents to devote required open space to any other use.

The conservation restriction shall require that all lands subject to its terms be maintained as undisturbed open space with the following exceptions:

- (a) Dead or diseased trees or other vegetation may be removed when the need for removal is supported by the written certification of a licensed forester;
- (b) A privately owned sanitary sewer force main serving a permitted CCRC, restricted in size to serve only the needs of a permitted CCRC within the zone district, and restricted against receiving or transmitting sewage flows from any other source, should be permitted within the open space area at a location approved by the Planning Board; and
- (c) Stormwater conveyance systems meeting applicable municipal and N.J.D.E.P. requirements should be permitted within the open space area if necessary to transmit collected stormwater runoff from an approved CCRC to a receiving watercourse located within the conservation easement.
- (d) Underground water, gas, electric, telephone, cable television and other utilities serving a CCRC or other conditionally permitted use in the OS-GU CCRC Zone should be permitted within the open space area, if the Planning Board determines that such utility service cannot practicably be provided without traversing mandatory open space.
- (e) A driveway from Sugar Loaf Road for access to future ballfields, related permitted accessory uses, and a religious hermitage within the 30 acre area discussed below.
- (f) Up to 30 acres of open space may be developed for use as (a) playing fields, with incidental dugouts, spectator seating, storage facilities, parking facilities, and an athletic field house, and/or (b) a religious "hermitage," subject to the following restrictions:

- ▶ All playing fields and incidental buildings and improvements must be part of or accessory to a permitted school use within the adjoining OS-GU Zone.
- ▶ The religious hermitage must be part of or accessory to the residence of a religious order within the adjoining OS-GU Zone.
- ▶ All such uses shall be limited to the area identified as approximately 40 acres in the Remaining Acreage Plan.
- ▶ All such uses shall be subject to the 250 foot buffer requirement along Sugarloaf Road and Jockey Hollow Road.
- ▶ No more than 5 of the 30 acres may be covered with impervious surfaces. Impervious surfaces shall include gravel.
- ▶ Building coverage shall be limited to 0.5 acres.
- ▶ Within the 30 acres, no building shall exceed 2 stories in height.
- ▶ Spectator seating shall be limited to seating for 100 spectators per field.
- ▶ In adopting an ordinance to implement these Master Plan provisions, the Township Committee should consider provisions prohibiting or regulating lighting and public address systems for athletic fields within the 30 acres.

Within the CCRC development area, land not improved with buildings, accessory structures, parking or other improvements should be attractively landscaped, maintained as open space, and protected by a conservation easement. The terms of the conservation easement, and the ordinance, should permit future installation of structures accessory to the CCRC, if site plan approval for such accessory structures is granted by the Planning Board. This conservation easement, like the conservation easement on the acreage outside the development area, should effectively prohibit any sanitary sewer improvements other than a privately owned sanitary sewer force main serving a permitted CCRC and restricted against receiving or transmitting sewage flows from any other source.

**Sanitary Sewer and Water.** The ordinance should require that the CCRC be served by a public sanitary sewer system and a public water system. The following conditions shall apply to sanitary sewer service:

- ▶ Sanitary sewer service must be consistent with the Morris Township Wastewater Management Plan and the wastewater management plan of all other governmental authorities having jurisdiction.
- ▶ A maximum diameter for the sanitary sewer force main should be established in the ordinance. The maximum diameter should be the *minimum* diameter necessary to support a CCRC having a size and density permitted by applicable zoning regulations.
- ▶ The sanitary sewer line traversing areas subject to any conservation easement must be privately owned and maintained.
- ▶ If approved by the Morris Township Committee, the ordinance should require that any new sanitary sewer line extension constructed in any public road to serve the CCRC be privately owned and maintained by the owners of the CCRC property.

**Access.** All vehicular traffic to and from a CCRC, except emergency vehicles, should be required to access the facility via a driveway to NJSH Route 24. The access drive may be located in an adjoining OS-GU Zone and may be shared with other permitted OS-GU uses. Direct access to Jockey Hollow Road, Wood Road, and Sugar Loaf Road, except for emergency purposes, should be prohibited. Emergency vehicles may gain access to the CCRC as needed via the most direct and expeditious routes over public and private roads. A new gated emergency access drive, improved to the standards required by Township Emergency Services, connected at an appropriate location to the existing public and/or private road network serving the CCRC, is considered essential by the Planning Board.

**Building Height.** Maximum building height for multi-unit buildings within a CCRC should be 50 feet. Maximum building height for detached or semi-detached independent living units should be 25 feet. Height limits for a religious hermitage and buildings accessory to athletic fields should be established by ordinance.

### **OTHER ZONING STANDARDS**

The following general zoning standards should be established for the new district. These would apply not only to a CCRC but to any use established within the district.

**Land Coverage.** Maximum building coverage in the new zone should be limited to 10%. This limit would be equivalent to the lowest limit on building coverage in any zone under the current zoning ordinance. Maximum total impervious coverage in the new zone should be limited to 15%. This limit would be well below the lowest maximum limit on impervious coverage in the current zoning ordinance.

**Parking.** Ordinance Section 95-54 should be amended to prescribe parking standards for continuing care retirement communities. Requirements for independent living units and assisted living units will be governed by the Residential Site Improvements Standards. Requirements for nursing care beds or units should be 0.6 spaces per unit. Parking space size for independent and assisted living units will be established by the RSIS at 9 feet x 18 feet. A similar size should be required for all other parking spaces serving a CCRC.

### **DESIGN STANDARDS**

An ordinance providing for a CCRC in this area should include design standards to encourage compatibility of any new development with the character of the Washington Valley Historic District in which the CCRC would be located.

### **SPECIFICITY OF STANDARDS**

As noted in the Reexamination Report, comprehensive specific standards for CCRC uses should be specified by the ordinance implementing the recommendations in this Master Plan Amendment. These standards shall be generally consistent with Master Plan recommendations. Master Plan standards have been recommended without definitive metes and bounds survey information. Therefore, all recommended standards should be considered to be estimates or approximations.

Schedule A

**FUTURE LAND USE CHANGES**

**REEXAMINATION REVIEW - ST. MARY'S ABBEY**

As part of this comprehensive Master Plan review and as a result of an intensive review of the pros and cons of a CCRC use on the St. Mary's Abbey/Delbarton campus, the Planning Board has decided to amend the Land Use Plan Element of the Township Master Plan to once again include the CCRC concept for the Abbey property within the Master Plan. This decision is based upon extensive review of (a) conceptual development plans and other data prepared by design professionals retained by St. Mary's Abbey, (b) reports and other input from the Township's professional consultants, and (c) reports and other input from design professionals retained by objectors and concerned members of the public. A summary of the process undertaken and conclusions reached by the Board during the Reexamination review follows.

**CCRC CONCEPT**

Under the laws of the State of New Jersey the land use evaluated by the Morris Township Planning Board for the St. Mary's/Delbarton property is known as a continuing care retirement community (CCRC). Sometimes a CCRC is referred to as a "life care community". It is a land use generally dedicated to older adults, usually 62 years and older, with entry ages frequently much higher than that. A distinguishing characteristic of a CCRC is a blend of several different living accommodations and a "continuum of care" which includes various levels of health care. In New Jersey the CCRC typically contains independent, assisted living and long-term care units. All independent units are an integral part of the CCRC. They do not constitute separate single- or multi-family housing. In a CCRC an agreement between the resident and the CCRC specifies the services which the community will provide and grants the right to live in a specific place. Residents of a CCRC do not buy or lease residential units. Another distinguishing characteristic of a CCRC is that the level of services, including health services, provided by the community can increase as the resident ages and his or her individual care needs increase. The basic concept of a CCRC is that in return for the payment of entrance and monthly service fees CCRC residents can receive continuing care for the remainder of their lifetimes provided they meet the financial and health requirements of the community.

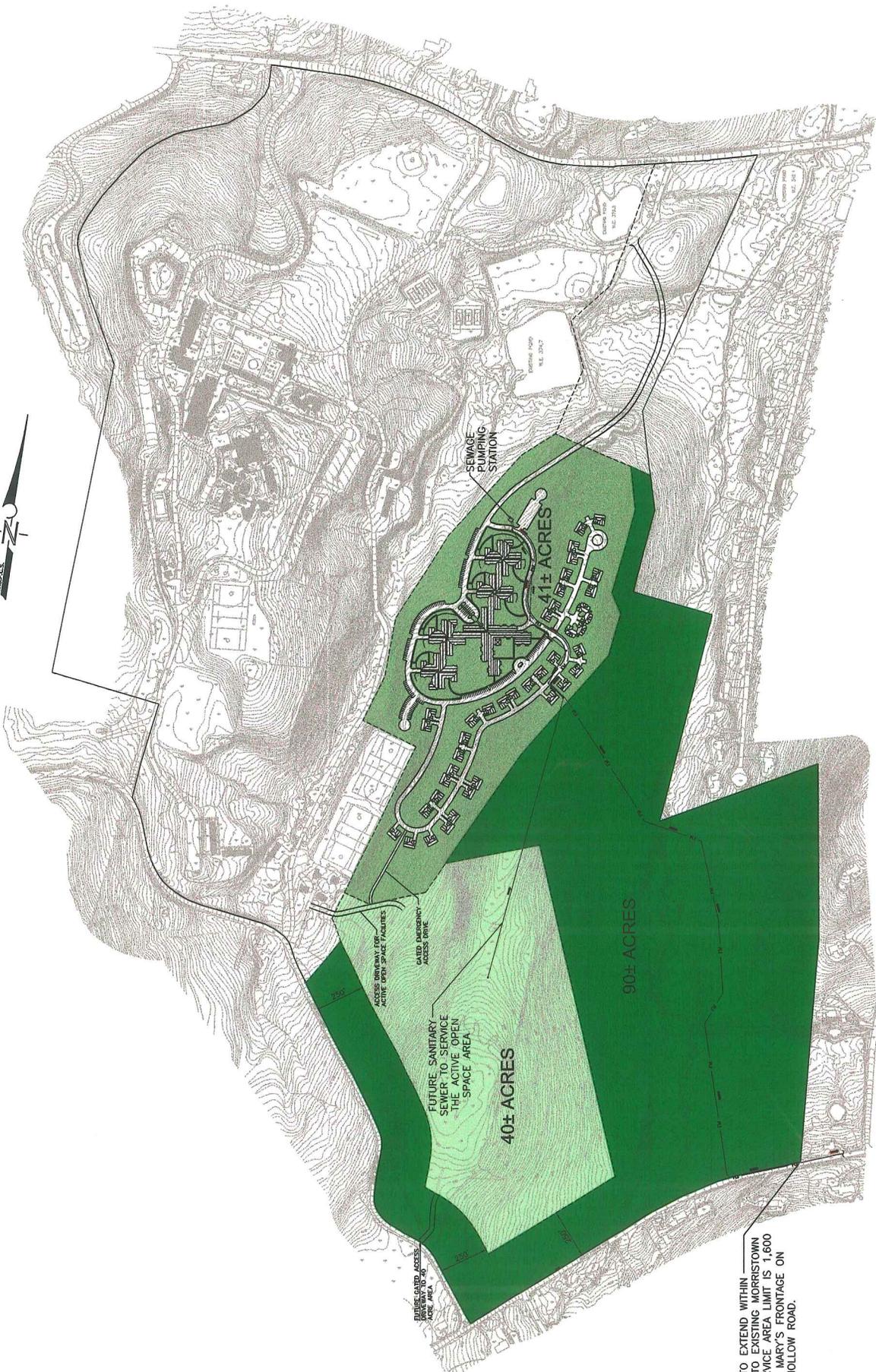
Under State law, NJSA 52:27D-330 et seq., the New Jersey Department of Community Affairs (DCA) issues a certificate of authority (CA) to CCRCs which meet the rules and regulations set forth in Chapter 19, Continuing Care Retirement Community Rules, NJAC 5:19-1.1 et seq. The health care components, assisted living units or skilled nursing care units, are licensed by the

New Jersey Department of Health and Senior Services (DOHSS).

**ST. MARY'S ABBEY CCRC CONCEPT PLAN**

In response to an inquiry by the Planning Board during the 2000 Master Plan Reexamination process St. Mary's Abbey submitted a conceptual proposal to develop a CCRC on a portion of the approximately 380-acre St. Mary's Abbey/Delbarton campus. From its first submission in January 2001 the initial concept underwent a series of revisions in response to technical review comments by Township Professionals, concerns of the Board, and public input and commentary. In its revised form at the conclusion of the Board's reexamination process the Abbey's proposal is to allocate approximately 171 acres of the campus to CCRC use and open space apportioned as follows:

- 41± acres to be developed for the CCRC as shown on a concept plan entitled "Remaining Acreage Plan St. Mary's Abbey", dated 2/5/01, last revised 7/13/01, prepared by Schoor DePalma. Within this area 26-27± acres of open space would be restricted by easement against future development upon completion of the project. A main access drive to the CCRC from Route 24 - Mendham Road would be constructed over adjoining lands in the OS-GU Zone which are owned by the Abbey.
- 90± acres located to the east and south of the 41± acre CCRC development area would be permanently restricted as natural passive open space by means of a conservation easement and would extend as a greenbelt along Jockey Hollow Road and Sugar Loaf Road to a depth of 250 feet. The conservation easement would permit no development activities and would be restricted to passive open space only except for a sanitary sewer line and a driveway from Sugar Loaf Road for access to future ballfields, permitted accessory uses, and a religious hermitage within the 40± acre area described below.
- 40± acres would be restricted by conservation easement as open space except for possible future use by the Abbey/Delbarton as ballfields, a field house, spectator stands and a religious hermitage with access to these uses being permitted via a driveway from Sugar Loaf Road; ten (10) acres of this area would be protected as passive open space. Land disturbance would be limited to 30-acres. Building coverage would be limited to less than one acre and impervious cover would be limited to 5-acres.



FORCE MAIN TO EXTEND WITHIN MORRIS TOWNSHIP TO EXISTING MORRISTOWN GRAMITY SEWER. SERVICE AREA LIMIT IS 1,600 FEET EAST OF ST. MARY'S FRONTAGE ON JOCKEY HOLLOW ROAD.

DATE	DESCRIPTION
07/17/01	ISSUED SANITARY SEWER SERVICE AREA LIMITS
08/01/01	ISSUED SANITARY SEWER SERVICE AREA LIMITS
08/25/01	ISSUED SANITARY SEWER SERVICE AREA LIMITS
09/27/01	ISSUED SANITARY SEWER SERVICE AREA LIMITS



**THEODORE D. CASSETTA**  
 PROFESSIONAL ENGINEER, N.J. Lic. No. 23844

**SCHOOR DEPALMA**  
 Engineers and Design Professionals  
 PHILADELPHIA, PA  
 180 JEFFERSON ROAD  
 PHILADELPHIA, PA 19104-6245  
 TEL: (215) 382-1000  
 FAX: (215) 382-5088  
 MANALAPAN, NJ  
 1000 ROUTE 100  
 MANALAPAN, NJ 07948  
 TEL: (908) 334-5088

**REMAINING ACREAGE PLAN FOR ST. MARY'S ABBEY**  
 MORRIS COUNTY  
 TOWNSHIP OF MORRIS

Within the CCRC development area the Abbey proposed forty (40) one-story detached or semi-detached cottages to be occupied as independent living units. Another two-hundred (200) apartment-style independent living units are proposed within four-story multi-family buildings designed in residential style with gambrel roofs. One-hundred-thirty-three (133) of the apartment units are one-bedroom. Sixty-seven (67) are two-bedrooms. Twenty-four (24) assisted living units and forty-eight (48) skilled nursing beds are to be located within the multi-family building complex.

Access to the CCRC is proposed via a single-driveway connecting to Mendham Road (Route 24) for all residents, visitors and staff. Deliveries and daily service needs would be made through this driveway. A second point of access, for emergency purposes only, through a gated access drive at the south end of the loop road serving the independent living cottages is also indicated on the Abbey's concept plan. The gated access drive would connect to a proposed access drive for athletic fields and, ultimately, to Sugar Loaf Road.

#### **REVIEW CONSIDERATIONS BY BOARD**

In conducting its review of the Abbey's proposal the Planning Board considered voluminous documentary submissions by the Abbey, the Township's professionals, objectors, objector's experts and interested members of the public including the National Park Service. Although not required by statute or Township ordinances the Planning Board in the interest of providing a full dialogue and discussion on the merits of the proposal at an early stage in the planning process conducted public hearings on February 20, 2001, March 19, 2001, April 2, 2001 and April 30, 2001. At those hearings the Planning Board received extensive comment from the public including oral and written input from citizens opposing and favoring the proposed amendment, planning and engineering commentary by the Abbey's professionals, objectors' professionals and Township's professionals. All of the applicable documentary evidence is on file with the Planning Board Secretary and is available to the public. In overview the review has covered:

- Alternative forms of development including alternative concept plans for subdivision of the property under the present OS-GU Zone standards which permit single-family residential development on 3-acre lots.
- Comparative impact analysis of a single-family residential subdivision developed on the lands in question versus a CCRC with mandatory open space as discussed above on the same lands including the following issues:

- traffic
  - land disturbance
  - proximity to adjacent land uses
  - stormwater detention
  - visual impacts
  - impervious coverage
- 
- Strategies for preservation of open space including an inquiry to the Township Committee as to plans for public acquisition of the lands in question and how best to protect proposed open space by means of conservation easements
  - A balloon loft to study the visual impacts of a clustered CCRC development within the proposed 41-acre CCRC development area.
  - Appropriate means to provide necessary sewer and water infrastructure to serve a CCRC, the implications of extending sewer service for the project, the current capacity limitations on the sewer line serving the campus, the significance of legal limitations placed upon the use of that line, and the construction of a public or private force main sewer extension to the existing public sewer in Western Avenue next to Villa Walsh and the National Guard Armory.
  - Goals of the Township Master Plan and compatibility of a CCRC with those objectives as well as the policies of the State Development and Redevelopment Plan (SDRP) regarding new development within a PA-5, Environmentally Sensitive Planning Area.
  - Traffic considerations including the relative volumes of traffic from a CCRC versus a single-family residential development and the likely points of access on existing streets and roads.
  - The visual impacts and implications of development of land next to a National Historic Park and within the Washington Valley Historic District which is on the National Register of Historic Places.
  - Marketing considerations and viability of a CCRC use including the mix of units, differences between a CCRC and standard assisted living facilities, mix of entrants and turn-over rates.

### **PLANNING BOARD RECOMMENDATION**

Under the statutory responsibilities imposed on the Planning Board by N.J.S.A. 40:55D-89, the Master Plan reexamination report must state the specific changes recommended for the Master Plan. Based on all data and information gathered during this reexamination process, the Board has concluded that the Township Master Plan should be amended to designate a portion of the St. Mary's Abbey property for CCRC use. The amendment should also provide for use of 30 acres for playing fields and related accessory structures.

Recommended standards for these uses should be addressed in an amendment to the Master Plan. These standards should include (a) an identification of the 171 acre study area as the appropriate area to be zoned for the use, (b) a recommendation that the uses be conditionally permitted, and (c) recommended conditional use standards, which should include key development standards for the CCRC such as minimum tract size, maximum project size, maximum project density, requirements for clustering and mandatory open space, requirements for sanitary sewer service, controls to limit secondary impacts of sanitary sewer extension, and requirements for direct access to Route 24.

Recommended standards regulating parking, maximum building height, minimum building setbacks, and building and impervious coverage limits, should also be established. Finally, design standards should be recommended to encourage compatibility of any new development with the character of the Washington Valley Historic District in which the study area is located.

Comprehensive specific standards should be specified by ordinance and should be generally consistent with Master Plan recommendations. Master Plan standards should recognize that, while the study area and proposed use have been extensively studied, definitive metes and bounds survey data for the study area is not yet available. Therefore, all recommended standards should be considered to be estimates or approximations. Final standards should be established after definitive survey data is available, during the re-zoning process.

The Board has concluded that such a Master Plan amendment for CCRC uses will promote the general welfare without compromising the public health or safety. On balance, the benefits of this action will outweigh any potential detriments. In reaching these conclusions, the Board has made the following determinations:

- A CCRC is a needed and socially beneficial use that will provide an additional source of senior citizen community housing within Morris Township, in furtherance of the purpose specified in N.J.S.A. 40:55D-2.1.

- A CCRC in this location will accommodate infirm and/or disabled seniors by allowing them to reside in the same residential areas as individuals without a disability, in furtherance of the purposes of the Federal Fair Housing Act, 42 U.S.C. §3601, et seq.
- A clustered CCRC with mandatory open space will provide for the permanent preservation of approximately 100 acres of environmentally sensitive land at no cost to Morris Township.
- Existing OSGU zoning contains no cluster provision that would allow similar preservation of open space. OSGU zoning for schools, churches and public buildings contain no clustering provisions. Three-acre single family residential zoning, moreover, virtually ensures that the entire 171 acre study area would be carved into roads and individual single family building lots, thus resulting in a "sprawl" development pattern which affords no opportunity for permanent open space preservation.
- Although from the perspective of maximizing open space, acquisition of the entire 171 acre study area as open space would be a desirable planning objective, the Township Committee has acknowledged that it does not have the funds necessary to acquire the land. In addition, the landowner has stated repeatedly that the land is not for sale. Township strategies for open space acquisition, moreover, have never employed the use of powers of eminent domain in the face of a steadfast refusal by a property owner to sell.
- The proposal for 30 acres of ballfield development with associated accessory structures and a religious hermitage is consistent with existing OS-GU zoning.
- Approximately 5 acres (or 18%) of the 30 acres proposed for ballfields consist of open fields not requiring extensive tree removal.
- Under the current Master Plan and Zoning Ordinance, the study area can be developed for a large major subdivision containing as many as 38 new single family homes on minimum 3 acre lots. The same area could also be developed as of right under current zoning for school uses, including academic and administrative buildings, parking lots, playing fields, playgrounds, churches, and/or other places of worship.

- Given the environmentally sensitive nature of the land, its location within an historic district and its location adjacent to a national historic park, protection and preservation of significant amounts of open space in its natural state constitutes an important planning goal which will be achieved by the CCRC proposal.
- The extent of land disturbance will not be inconsistent with current OS-GU zoning standards or good development patterns.
  - ◆ Land disturbance for the CCRC concept plan would be approximately 37 acres (or 21.6% of the study area).
  - ◆ Land disturbance for a 38 lot residential subdivision concept plan within the study area would range between 37 and 51.5 acres.
  - ◆ Disturbance for the proposed ballfields and accessory uses plus the religious hermitage could add another 30 acres to the total proposed disturbance for the CCRC, thus increasing total land disturbance for the CCRC alternative to approximately 67 acres, or approximately 39% of the study area.
  - ◆ Morris Township has no ordinance regulations limiting percentage of disturbance, other than in regulated steep slopes areas.
  - ◆ A CCRC and the accompanying ballfields are capable of complying with Township Steep Slopes Ordinance disturbance requirements as evidenced by an analysis by professional engineers retained by St. Mary's Abbey.
  - ◆ Development of the study area for OS-GU uses such as schools, churches, public parks and playing fields would not be limited to 39% land disturbance.
- Building and total impervious coverage for the CCRC proposal will not be inconsistent with current OS-GU zoning.
  - ◆ Building coverage for the CCRC alternative (including buildings accessory to ballfield use) was estimated by a professional engineer for one objector group to be 3.56%, compared to 2.56% for a 38 lot subdivision within the study area.

- ◆ Maximum permitted building coverage for single family homes in the OS-GU Zone is 10%.
- ◆ The OS-GU Zone places no limit on building coverage for other OS-GU uses.
- ◆ Total impervious coverage for the CCRC alternative, including 5 acres of impervious coverage accessory to proposed ballfields, was estimated by the same objector's engineer to be 18 acres, or 10.5% of the study area (compared to 16.9 acres for a 38 lot subdivision).
- ◆ Maximum impervious coverage permitted in the OS-GU Zone is 75% under Ordinance Section 95-32B.
- Although the number of living units per acre would increase significantly with the CCRC alternative (as compared with development of the same area for single family residences on 3 acre lots), the size and impacts of each CCRC unit would be far less than, and not comparable to, the size and impacts of each single family dwelling unit permitted under current OS-GU Zoning.
  - ◆ For example, single family dwellings containing 8,000 square feet could be built within the study area consistent with OS-GU Zoning requirements.
  - ◆ Typical proposed apartment-style independent living units in the CCRC would contain approximately 700 to 1,300 square feet. The average size independent living cottage would contain approximately 1900 square feet of living space.
  - ◆ Daily traffic trips for a single family detached dwelling under RSIS standards are 10.2 trips per unit.
  - ◆ Daily trips generated by a senior citizen independent living unit within a CCRC would be far fewer. For "retirement communities," the RSIS estimates 2.8 daily trips per dwelling unit.

- Unlike single family lots, which are exempt from site plan review and exempt from restrictions on tree removal once developed and occupied, the CCRC would be subject to both full site plan review and the Township's tree removal regulations.
- Unlike a single family residential subdivision within the study area, which could (a) directly access local roads such as Jockey Hollow Road, Wood Road, and/or Sugar Loaf Road, and (b) cause a significant percentage increase in the traffic using those local roads, the CCRC would (a) have direct access to Route 24, a State highway, and (b) cause only a small and easily manageable percentage increase in the traffic using Route 24.
- Access to the CCRC can be provided by means of an existing driveway to Route 24 with adequate sight distance.
- The CCRC proposal is consistent with Sector III Master Plan Goals for low intensity development and preservation of unique natural features such as flood plains, steep slopes, and wetlands (see page 12 of the Master Plan).
  - ◆ Existing development on the St. Mary's Abbey/Delbarton property is located on the westerly portion of the approximately 380 acre campus.
  - ◆ Existing impervious coverage on the westerly portion of the campus totals approximately 795,440 square feet.
  - ◆ Proposed impervious coverage for the CCRC, to be located on the undeveloped easterly portion of the campus, is approximately 566,300 square feet.
  - ◆ Total impervious coverage for the campus, including existing buildings, the proposed CCRC, and 5 acres of impervious coverage accessory to proposed ballfields, would be approximately 10% of the total site area.
  - ◆ This *total impervious coverage* is approximately equal to the maximum allowable *building coverage* permitted in the Township's most restrictive residential zone (RA-130). In the RA-130 Zone, a maximum of 10% building coverage is permitted.
  - ◆ Unlike development on the westerly portion of the campus, development of the easterly portion of the campus under the CCRC proposal would be

- “fixed” by zoning restrictions and could not, without a variance, exceed coverage restrictions to be established for the use.
- ◆ When combined with existing building coverage on the westerly portion of the campus, proposed building coverage for the CCRC and ballfield uses would result in total building coverage for the entire campus of approximately 3%.
  - ◆ The proposed open space restrictions would allow preservation of significant sensitive natural features including flood plains, steep slopes, and wetlands.
  - Allowing sanitary sewer service to the CCRC by the Town of Morristown’s Sewage Treatment Plant will not improperly circumvent water quality planning for this sensitive area.
    - ◆ In order to implement the CCRC proposal, the property owner or developer must obtain approvals for wastewater management plan amendments from Morristown, Morris Township, and NJDEP.
    - ◆ Sewer service will not be allowed for the project unless the owner/developer demonstrates compliance with the stringent requirements of Executive Order 109, which requirements are designed to protect surface and ground water resources. The project cannot proceed unless NJDEP agrees that those stringent requirements are met.
    - ◆ The Planning Board recognizes the restrictions placed upon the sanitary sewer extension from the St. Mary’s Abbey/Delbarton property to the Butterworth Sewage Treatment Plant. Those restrictions are limitations on use of a specific sanitary sewer line running through the Foster Fields property but do not apply to any other sewer line.
    - ◆ As stated below in this report, the Planning Board has undertaken an analysis of potential secondary impacts that might result from extension of sanitary sewer service to the CCRC. The Board has recommended restrictions to limit such impacts, and has concluded that the risk of such impacts is minimal.

- The Township Master Plan sets forth a number of general guiding principles for achieving open space conservation and protection which will be furthered by this proposal. These guiding principles, and the Board's comments on how those principles will be furthered, are set forth below:
  - ◆ **Principle:** Use the area's watercourses, wetlands and other significant natural features as the plan's framework.
    - ▶ **Comment:** The Board notes that the CCRC open space conservation plan includes preservation of significant areas surrounding existing watercourses, preservation of wetlands, and preservation of steep slopes.
  - ◆ **Principle:** Blend and incorporate the open space plan with the historic places and structures of the area into a cohesive preservation plan for both the man-made and natural environments.
    - ▶ **Comment:** The Board notes that the CCRC open space proposal clusters development in an area designed to provide significant open space buffers for the National Historic Park and to minimize adverse visual impacts on the park.
  - ◆ **Principle:** To establish linkages among the open space/historic parcels through the use of linear greenways.
    - ▶ **Comment:** The Board notes that the CCRC open space plan includes approximately 100 acres of continuous open space which is linked and immediately contiguous to the open space associated with the National Historic Park.
  - ◆ **Principle:** Continue the use of cluster planning where appropriate to avoid sprawl development with the resulting open space being either dedicated to public use or placed in conservation easements to protect environmentally sensitive features such as steep slopes and wetlands.
    - ▶ **Comment:** The CCRC proposal directly furthers this important planning goal in ways that existing zoning will not.

- ◆ **Principle:** Be reasonable and flexible working with property owners to avoid imposing extraordinary development costs or exactions; emphasize joint government and private efforts to preserve and protect the natural environment of the area.
  - ▶ **Comment:** The CCRC proposal represents reasonable cooperative governmental and private action with resulting permanent preservation of approximately 100 acres of open space at no cost to Township taxpayers.
  
- ◆ **Principle:** Evaluate the impact of the extension of water, sewer and road improvements on the Township's ability to protect open space; the extension of infrastructure tends to intensify development pressure and makes open space protection more complicated and costly.
  - ▶ **Comment:** As discussed in more detail below, the Planning Board has carefully evaluated the potential secondary impacts of extension of sanitary sewer service to the CCRC. The Board has concluded, as noted below, that the extension of sanitary sewer service will not significantly intensify development pressure in surrounding areas and should not make open space protection more complicated or costly.

The Planning Board believes that these principles can be sensibly applied to the creation of a CCRC through the site plan review process while respecting and protecting the history, natural environment and legitimate rights of property owners within the area affected.

A major concern and issue for the Board, and one noted by many objectors to the proposal, is the issue of secondary impacts from the extension of sanitary sewer to the CCRC and the triggering of intensified development and urban sprawl beyond the 41± acre CCRC development area. The primary focus of the concern is on the extension of a private force main sewer line through the proposed conservation greenbelt along Jockey Hollow Road to connect with the existing Township sewer line in Western Avenue at Villa Walsh and the National Guard Armory. From that point the sewage would be conducted to the Morristown Sewage Treatment Plant. In evaluating this concern the Planning Board is satisfied that there is very little, if any, possibility of additional new development being induced to the area by the Morristown sewer option.

The Board has bifurcated its analysis into two distinct issues, namely, (1) the issue of secondary impacts associated with potential future extension of sanitary sewer service *beyond* the CCRC to Route 24 or beyond; and (2) the issue of secondary sewer impacts associated with extending sanitary sewer service *to* the CCRC along Jockey Hollow Road.

In regard to the first inquiry, the Board is satisfied that the risk of extending sanitary sewer service beyond the CCRC, into the Washington Valley Historic District north of Route 24, or other areas along or north of Route 24, can be effectively controlled through legally enforceable restrictions on the use of the sanitary sewer force main that will serve the CCRC. The regulations permitting CCRC use should require that (a) the sanitary sewer line be privately owned and maintained, and (b) the line accept sewage flows only from a permitted CCRC. These restrictions can be enforced both through the terms of the conservation easement that is proposed to be placed on the lands surrounding the CCRC, and through conditional use standards regulating the CCRC itself.

The second area of inquiry focuses on that portion of the proposed sanitary sewer force main that would run from an existing sanitary sewer manhole in Western Avenue by Villa Walsh and the National Guard Armory to the St. Mary's Abbey property on Jockey Hollow Road. St. Mary's Abbey has proposed that that sewer line be privately owned and maintained. The Board favors this approach, if a privately owned sewer line can be legally permitted in a public street. The Board recognizes, however, that it is ultimately the Township Committee which will determine the answer to that question. Recognizing that the Township Committee may conclude that the line may not be privately owned and maintained, the Board has undertaken an independent analysis of the potential secondary impacts of extending a public sewer line down Jockey Hollow Road to service the CCRC.

The Morris Township Open Space Inventory, as updated to May 11, 2000, lists only two (2) developable properties of significant size which theoretically could be served by the Morristown sewer option. These properties are the Rosenhaus tract (57 acres) and the Pellegrino property (10.2 acres) both located on Picatinny Road to the north of the sewer line extension. The extension of the line provides no added incentive in terms of lot yield beyond what now exists for Rosenhaus (Block 4601, Lot 1) to connect to the existing sewer at Villa Walsh in Western Avenue. The Pellegrino property (Block 4101, Lot 4) is much farther north on Picatinny Road. With a potential of only three (3) residential lots it also would have no incentive to connect to a sewer line in order to develop the land. Another tract (Block 4202, Lot 3) the Parr property (28.7 acres) lies on the west side of Picatinny Road opposite Pellegrino. The property is not listed on the Township Open Space Inventory. It was approved, but not developed, in 1991 as a major subdivision for six (6) lots on septic systems. As with Rosenhaus and Pellegrino a force main sewer to the CCRC neither encourages nor discourages development of the property. Should future development be proposed for Villa Walsh or the Armory property extension of the sewer

line to the Abbey gives no advantage or incentive because the sewer line already exists in front of these properties. Therefore, from the perspective of intensifying development pressures in and around the affected area, it appears that the secondary impact of the sewer line extension as discussed is neutral. The Planning Board remains concerned and vigilant regarding a possible intensification of development, but it has no evidence or identifiable sites where such sprawl would be triggered by extension of a force main sewer line designed and restricted to serve only a CCRC development.

Another area of concern to both the Board and the public is the issue of the off-site secondary impacts of traffic which would be generated by a CCRC versus a thirty-eight (38) home subdivision. Using the figures provided by the Abbey and restated by the objectors' experts there would be 672 daily trips generated by the independent living units. The figure does not include traffic associated with the operation of the nursing and assisted living units. For a single-family residential subdivision a total of 388 trips per day is estimated. Evening peak-hour traffic for the CCRC is estimated at 79 trips and for a residential subdivision the estimate is 45 trips. The Board understands that the traffic which would be experienced from a CCRC will probably be larger in terms of the absolute number of trips. However, as proposed by the Abbey and as would be restricted by any zoning ordinance which the Board may recommend, the CCRC traffic would be limited to Route 24 (Mendham Road). The Master Plan classifies Route 24 (Mendham Road) as an arterial street. As such it is designed and intended to carry higher traffic volumes and direct them to the other major routes in the regional road network. In September of 1999 Route 24 - Mendham Road was reported by Morris County to carry 1127 vehicles during the evening peak-hour. In contrast, while the traffic volume from a residential subdivision would be less in terms of the number of total and peak-hour daily trips, its impact would be felt on the local residential streets which would serve it. These include Jockey Hollow Road, Western Avenue, Picatinny Road, Bailey Hollow Road and possibly Wood Road if the cul-de-sac were extended.

A third area of secondary impact concern given close attention by the Board and by commentators on the CCRC was its visual aspects. In particular there was concern of potential adverse views for Jockey Hollow National Historic Park, Washington Valley and other surrounding areas and properties. Based on its review the Board has concluded that the proposed placement of the CCRC on the Delbarton campus is in the least visible location where such a facility could be built. Although it is not the most level topography within the approximate 171 acre expanse of land upon which a CCRC could be sited it is the one from a visual perspective which is obscured to vision from surrounding areas. Were the tract to be developed for an alternative large lot single-family residential development the visual impacts would increase significantly particularly to adjoining single-family residential areas due both to the proximity of the homes and the necessity to extend the development through a system of municipal streets. Therefore, compared with the most likely development alternative of a large subdivision, the

Planning Board believes that a CCRC would be less visually apparent and intrusive on the National Park and surrounding residential areas than a new single-family home development.

Finally, the Board has contemplated the alternative of retaining the entire balance of the Abbey's property as natural open space. Many of those who oppose a CCRC, and some who would oppose residential development as well, would favor this alternative. Suggestions, but no specific proposals, were made that the property could be bought by various open space organizations including possibly the National Park Service. However, it is the Board's belief, based upon statements from the Abbey's representatives, that the property is not for sale. Therefore, an acquiring agency would have to have the power of eminent domain to effect a taking for open space purposes. Only the Township Committee has this power in the municipality and it has not indicated any intent to exercise it. The latest Township Open Space and Recreation Plan (OSRP), as amended by resolution of the Township Committee on June 21, 2000, states with respect to the Delbarton school property that it has attributes of significant open space, a stream corridor and is adjacent to the National Park. For potential acquisition strategies the OSRP identifies conservation easement, Green Acres and federal partnership. The Planning Board takes notice of this document and has incorporated it in its revised form in the Reexamination Report. Under the present CCRC proposal, conservation easements would be the implementing mechanism to create permanent on-site open space.

#### **RELATIONSHIP TO STATE DEVELOPMENT & REDEVELOPMENT PLAN (SDRP)**

On March 1, 2001 the State Planning Commission readopted the State Development and Redevelopment Plan (SDRP). In the updated SDRP the St. Mary's Abbey/Delbarton campus remains classified as Planning Area 5, Environmentally Sensitive (PA-5).

The Planning Board believes that the proposed CCRC on the St. Mary's Abbey/Delbarton campus is well-reconciled and consistent with the guiding policies and objectives of the newly adopted SDRP.

First, the Board is satisfied that the threat of sprawl development is, in fact, lessened by the CCRC cluster development concept in contrast to a new large-lot-single-family development. Large-lot single-family residential subdivisions with extended roads, utilities and other infrastructure constitute the essence of suburban sprawl.

Second, the CCRC as distinguished from a new large-lot subdivision, will protect and preserve in perpetuity substantial contiguous open space land and maintain it in its natural condition. Thus, environmental resources are better protected as intended by the State Plan for PA-5.

Third, the State Plan recognizes "that growth and economic development will occur in

environmentally sensitive areas.” The Plan’s policy is to insure “that growth be guided into well-planned Centers with appropriately scaled public facilities and services.” New Jersey State Development and Redevelopment Plan (Final Draft October 2000) at Page 200.

Fourth, a properly planned CCRC is closely akin to, if not identical with, a small hamlet center. The State Plan describes hamlets as “the smallest places eligible for Center designation... .” The Plan recognizes that hamlets “are primarily residential in character... .” Further, new hamlets “should absorb the development that otherwise would occur in the Environs.” New Jersey State Development and Redevelopment Plan (Final Draft October 2000) at Page 227.

The CCRC is intended to be a small planned community surrounded by large amounts of open space and physically and visually remote from surrounding developed areas. It has a compact development pattern as would be found in a small hamlet. The CCRC would guide new development into a finite area of land with the specific intent to preserve open space, natural resources and the integrity of surrounding existing residential neighborhoods.

Fifth, the provision of a sanitary sewer line intended to serve only the CCRC properly guides this growth through private sector investment as envisioned by the State Plan. It does so without encouraging sprawl as noted in this Report.

Sixth, the environs of the CCRC are well-protected and buffered from the effects of its development. These areas will be permanently maintained as open space.

Seventh, the State Plan policy objective to provide for a full range of housing choices is furthered by this proposal which insures, in particular, that senior citizen housing is provided for persons with special needs for assistance with daily living activities and health care. Housing for these special needs is considered to be an inherently beneficial use of land under the laws of New Jersey. Further, the Municipal Land Use Law (MLUL) encourages the construction of senior citizen community housing as a particular purpose of the statute.

Eighth, the proposed single point of CCRC access to an existing State Highway (Route 24/Mendham Road) protects the environs of the CCRC from the scattered and piecemeal development impacts which would occur with a large single-family subdivision. The CCRC would have a main road linkage to the designated “Regional Center” of Morristown to the east and the designated “Village Center” of Mendham to the west as well as to Chester and Long Valley beyond.

Under the guidance of the SDRP "sprawl" is defined thus:

"Sprawl means a pattern of development characterized by inefficient access between land uses or to public facilities or services and a lack of functional open space. Sprawl is typically an auto-dependent, single use, resource consuming, discontinuous, low-density development pattern."

The Planning Board finds that the proposed CCRC provides for well-controlled and convenient access between and among land uses, public facilities and services. It also provides and protects a substantial amount of functional open space. The CCRC would combine the beneficial uses of senior housing, assisted living and nursing care facilities in a compact, clustered, development pattern. It would, therefore, not be considered sprawl under the specific definition of the SDRP.

Last, the Board finds that the St. Mary's Abbey proposal for a CCRC intends to utilize existing infrastructure with sewage treatment capacity which has been planned to serve additional growth in Morris Township. This advance planning for sewer capacity in portions of Morris Township is acknowledged in the February 1995 Center Designation Petition of the Town of Morristown. The State Planning Commission approved Morristown's petition and formally granted it designation as a "regional center."

For the above reasons the Morris Township Planning Board believes that the proposed CCRC, as a conditional use to be regulated and controlled by a new zoning amendment, is consistent with the intent, purpose and policy of the SDRP and the Municipal Land Use Law.

**Harding Township Master Plan (1984)**  
**(as revised through June 22, 1998)**

The northwest corner of the Township of Harding borders the St. Mary's Abbey/Delbarton Campus along its westerly boundary and Sugar Loaf Road. Except for eight (8) single-family residential lots within Harding along Military Hill Road the Harding boundary both north and south of Jockey Hollow Road is occupied by County parkland (Lewis Morris County Park) and Jockey Hollow Morristown National Historic Park. Both Harding Township's Land Use and Zoning Maps show the parkland designation for both the County and National Park facilities. As a matter of law, land use control of these facilities rests with the higher governmental jurisdictions and local zoning controls would have no force and effect.

The Great Swamp Watershed Overlay Zone boundary crosses through the National Park approximately 1,000 feet to the southwest of Sugar Loaf Road.

The Board has concluded that the proposed Master Plan Amendment is not inconsistent with the Master Plan for Harding Township. The proposed development area for the CCRC is remote from the Harding border. Visual impacts to the adjoining parkland located within Harding will be minimal. In addition, the CCRC will have direct access to Route 24, and no direct access (other than for emergency vehicles) to Sugar Loaf Road or any municipal road within Harding Township.

#### **Mendham Township Master Plan (2000)**

The Mendham Township boundary lies to the east of the St. Mary's Abbey tract and bisects Lewis Morris Park and Jockey Hollow National Historic Park. The Land Use Plan of the Township Master Plan places the park properties within the R-10 Ten Acre Minimum Lot Zone District. As with Harding Township's zoning regulations the Federal and County control of the properties preempts local zoning.

The Board has also concluded that planning for a CCRC within the study area is not inconsistent with the Master Plan for Mendham Township. Those portions of adjoining parkland within Mendham Township are even more remote from the development area for the CCRC than the Harding Township parkland. Likewise, the CCRC will have no direct access to Sugar Loaf Road (except as discussed above) and no direct access to any municipal road in Mendham Township.

#### **RECYCLING PLAN ELEMENT**

Morris Township is under the Morris County District Recycling Plan of 1988, a component of the district's Solid Waste Management Plan. The management plan applies to all solid waste generated at the municipal level from residential, commercial, and institutional sources. Under the State Recycling Act a recycling plan element must be incorporated into the municipal master plan.

At the time of the 1994 Master Plan the available recycling tonnage figures for 1988 and 1989 showed that Morris Township had surpassed the County goal of a twenty-five (25%) percent reduction in municipal solid waste by a wide margin. The final adjusted figures provided by the Morris County Municipal Utilities Authority show that the Township had documented recycling rates of 40.9% and 54.3% during the start-up years of 1988 and 1989.

**RESOLUTION OF THE MORRIS TOWNSHIP PLANNING BOARD**  
**RE: ADOPTION OF AN AMENDMENT TO THE LAND USE ELEMENT**  
**OF THE MORRIS TOWNSHIP MASTER PLAN**

WHEREAS, the Morris Township Planning Board (the "Board") is authorized to prepare, adopt and amend a master plan to guide the use of lands within the Township of Morris in accordance with the purposes of the Municipal Land Use Law; and

WHEREAS, the current Morris Township Master Plan (the "Master Plan") was adopted on June 20, 1994; and

WHEREAS, on or about April 6, 1998, the Board adopted an amendment to the Land Use Element of the Master Plan (herein referred to as the "1998 Amendment") providing for various senior citizen residential and/or residential care facilities (herein called "Senior Facilities") including continuing care retirement communities (herein called "CCRC's") in three areas of the Township of Morris, including areas within the property commonly known as the St. Mary's Abbey/Delbarton property, Tax Block 4501, Lot 2 (sometimes referred to herein as the "Property"); and

WHEREAS, in response to public concern, the Board subsequently determined to consider amending the 1998 Amendment to exclude the Property as a potential site for Senior Facilities including CCRC's; and

WHEREAS, duly noticed public hearings were held to consider such an amendment on December 6, 1999, February 7, 2000, and April 3, 2000; and

WHEREAS, at these hearings, significant issues were raised as to the suitability of the Property for CCRC's or other Senior Facilities and, at the same time, the Board recognized the importance of providing reasonable opportunities for such uses; and

WHEREAS, on or about May 15, 2000, the Board adopted an amendment to the Land Use Element of the Master Plan (herein referred to as the "2000 Amendment") deleting that portion of the 1998 Amendment relating to the St. Mary's Abbey/Delbarton property, and determining that there should be further studies of the need for CCRC's in Morris Township, and the suitability of the Property to accommodate such a use; and

WHEREAS, the 2000 Amendment provided that these further studies should be undertaken and furnished to the Board by the proponent of any CCRC, and that such studies might appropriately be considered by the Board during the periodic reexamination of the Master Plan scheduled for the year 2000; and

WHEREAS, at a public meeting held on or about November 20, 2000, the Board directed its counsel to contact representatives of St. Mary's Abbey/Delbarton to advise that (a) the Board

was then in the process of reexamining the Master Plan, and (b) if St. Mary's Abbey/Delbarton were interested in further review of the issues addressed in the 2000 Amendment, its representatives should provide to the Technical Coordinating Committee ("TCC") all available relevant information and arrange for a meeting with the TCC; and

WHEREAS, St. Mary's Abbey/Delbarton subsequently provided to the Board and the TCC significant additional information including property boundary information for the portion of Property proposed for CCRC use, wetlands and steep slope mapping, conceptual plans for CCRC development and open space, and market data regarding need and demand for CCRC facilities; and

WHEREAS, public meetings, with public notice, were held to consider the additional information submitted by St. Mary's Abbey/Delbarton on February 20, March 19, April 2, and April 30, 2001; and

WHEREAS, during the course of these public meetings, the Board received and considered reports from the TCC, and from experts both favoring and opposing CCRC use on the Property, as well as extensive comments from members of the public both favoring and opposing such CCRC use; and

WHEREAS, on April 30, 2001 the Board voted to direct the TCC to prepare a draft master plan amendment and draft master plan reexamination report that would provide for CCRC use on a portion of the Property, and would require mandatory open space in connection with such a use; and

WHEREAS, at the Board's direction, the Township Planner, with the assistance of the other members of the TCC, has prepared a document entitled "Amendment to Township of Morris Master Plan Re: Block 4501, Lot 2" (this document is referred to herein as the "2001 Amendment"); and

WHEREAS, a true copy of the 2001 Amendment is attached hereto as Exhibit A; and

WHEREAS, the 2001 Amendment was the subject of a formal public hearing on September 10, 2001; and

WHEREAS, public notice of such hearing was provided in accordance with the requirements of N.J.S.A. 40:55D-13; and

WHEREAS, at the hearing, additional comments were received from the general public; and

WHEREAS, the Board has determined that the 2001 Amendment should be adopted as a part of the Land Use Element of the Master Plan.

NOW THEREFORE BE IT RESOLVED that the 2001 Amendment attached hereto as Exhibit A be and hereby is adopted as a part of the Land Use Element of the Morris Township Master Plan.

IT IS FURTHER RESOLVED that the 2001 Amendment shall be dated as of September 10, 2001 and that the date of adoption shall be endorsed by the Township Planner on the cover page of the Amendment.

IT IS FURTHER RESOLVED that the first paragraph of the "Introduction" section of the 2001 Amendment shall be amended to show the last revision date of the document entitled "Master Plan Reexamination 2000" as September 10, 2001.

IT IS FURTHER RESOLVED that the Secretary of the Board shall, not more than thirty (30) days after the date of adoption of this resolution, transmit to the Morris County Planning Board a certified true copy of this resolution, together with a certified true copy of the 2001 Amendment approved herein, in satisfaction of the notice requirements of N.J.S.A. 40:55D-13(3).

I hereby certify that this is a true copy of a resolution duly adopted by the Morris Township Planning Board at a public meeting held on October 1, 2001.

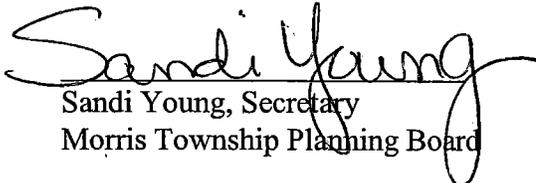
  
Sandi Young, Secretary  
Morris Township Planning Board

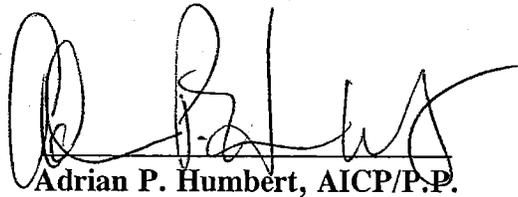
Exhibit A

**AMENDMENT TO  
TOWNSHIP OF MORRIS MASTER PLAN**

**RE: BLOCK 4501, LOT 2**



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

  
Adrian P. Humbert, AICP/P.P.

## INTRODUCTION

Simultaneously with the adoption of this Master Plan Amendment, the Morris Township Planning Board (the "Board") has adopted a report entitled "Master Plan Reexamination 2000," revised to September 10, 2001 (referred to herein for convenience as the "Reexamination Report").

In the Reexamination Report, the Board has concluded that the Master Plan should be amended to designate a 171+/- acre portion of the St. Mary's Abbey/Delbarton property, Tax Block 4501, Lot 2, for continuing care retirement community ("CCRC") use. The Board has also concluded that the amendment should (a) specify that the balance of the 171+/- acres not used for CCRC purposes must be set aside as open space, and (b) provide for the use of up to 30 acres of such open space for athletic fields and related accessory structures, and a religious hermitage.

The Board's recommendations and its reasoning process are discussed at length in the section of the Reexamination Report entitled "Future Land Use Changes." That discussion is incorporated herein verbatim by reference. A copy of that section of the report is attached hereto as Schedule A.

This amendment to the Morris Township Master Plan follows the recommendations of the Reexamination Report in regard to the St. Mary's Abbey property.

## RECOMMENDED CCRC ZONING

**Zone District.** A new zone district, which may be entitled the OSGU-CCRC Zone District, should be delineated to encompass the area of approximately 171 acres (comprised of areas designated as 40 +/- acres, 90 +/- acres and 41 +/- acres) as depicted in "Remaining Acreage Plan for St. Mary's Abbey," prepared by Schoor DePalma, dated 2/5/01 and last revised 7/13/01. (Sometimes referred to herein as the "Remaining Acreage Plan"). A metes and bounds delineation of the proposed district should be incorporated into any zoning ordinance amendment providing for CCRC use in this area. Within the proposed zone district boundary, the proposed CCRC development area of approximately 41 acres should also be delineated by metes and bounds.

**Uses.** The new zone district should permit those principal uses as are currently allowed within the OSGU Zone. The CCRC should be regulated as a conditional use, with appropriate accessory support services and facilities. These support services and facilities should be specified in the zoning ordinance. Support services and facilities that must be housed in a building should be required to be located within the buildings containing the independent, assisted living, and nursing care units. Open space, including up to 30 acres of athletic fields, and related accessory structures, and a religious hermitage should also be allowed as conditional uses. As discussed below, mandatory open space should also be a conditional use *requirement* for any CCRC.

### **CONDITIONAL USE STANDARDS**

An ordinance permitting continuing care retirement communities as a conditional use in the new zone district should include the following conditional use standards.

**Project Size and Unit Mix.** An ordinance providing for CCRC use in this area should establish a maximum project size. Except as noted below, maximum project size should be 312 units. The following standards are recommended for unit mix:

- Independent Living Units                      A maximum of 240 units and a minimum of 200 units. No more than forty (40) independent living units should be detached or semi-detached cottages. All remaining independent units should be multi-family apartment style dwellings.
- Assisted Living Units                              As part of original project construction, at least one (1) assisted living bed should be provided for each ten (10) independent living units.
- Skilled Nursing Units                              As part of original project construction, at least two (2) nursing care beds should be provided for each ten (10) independent living units.

The ordinance should allow an increase in maximum project size, not to exceed 352 units, to reflect changing needs of the CCRC population for increased assisted living and/or skilled nursing care. The ordinance should permit the number of assisted living beds and/or units and the number of skilled nursing beds and/or units to increase, or decrease, to reflect the changing needs of the CCRC population. The ordinance should require that any increase in assisted living, or skilled nursing units or beds be met by the conversion of approved independent living units or other space within an existing approved building. Building additions to accommodate more assisted living or skilled nursing units should be prohibited.

In adopting an ordinance to implement these Master Plan amendments, the Township Committee should consider whether limits should be placed, not only on units, but also on beds.

**Minimum Tract Area and Maximum Density.** The minimum tract area for a CCRC should be approximately 170 acres. Density should not exceed the total number of permitted CCRC units, divided by the actual tract area as determined by a metes and bounds survey.

**Clustering Requirements.** The ordinance should require that any CCRC development be clustered. One of the conditions of the conditional use should limit development to the approximately 41 acre development area identified in the Remaining Acreage Plan. The development area, as noted above, should be defined by metes and bounds in the zoning ordinance. This conditional use requirement is based upon extensive studies to identify an area for CCRC development with the least visual and other impacts on surrounding residential uses, and the National Historic Park. This recommendation follows careful consideration of the character of the zone district and a finding of peculiar suitability of the delineated development area for CCRC use.

**Setbacks from Surrounding Streets.** Consistent with the Board's desire to cluster CCRC development in the approximately 41 acre development area, the ordinance should also include as conditional use requirements minimum setbacks from surrounding streets. These setbacks shall be substantially consistent with the measurements presented to the Board in the "Subdivision/CCRC Comparison," prepared by Schoor DePalma, last revised 2/15/01. The following setbacks are shown in the subdivision/CCRC comparison:

<b><u>Street Name</u></b>	<b><u>Setback</u></b>
Jockey Hollow Road	2,170 feet
Sugar Loaf Road	740 feet
Wood Road	760 feet

**Buffers.** Buffer requirements should be established along Jockey Hollow Road and Sugarloaf Road. A minimum passive open space buffer of 250 feet should be required along each road. No development or disturbance should be permitted within the buffer area, except for activities permitted within mandatory passive open space areas under paragraphs (a) through (e) on page 4 below. In short, the same activities permitted in mandatory passive open space should be permitted in the buffer area.

**Open Space.** All tract area outside the approximately 41 acre development area shall be maintained as open space. Open space preservation should be assured by means of a conservation restriction under the New Jersey Conservation Restriction and Historic Preservation Restriction Act, N.J.S.A. 13:8B-1 et seq. The conservation restriction may be granted to the Township of Morris, or to an independent, recognized, nonprofit charitable conservancy whose

purpose is the preservation of open space. The ordinance should require that the conservation restriction be recorded in the Morris County Clerk's Office.

Open space may be dedicated for public use, but the ordinance shall not make this a requirement of the conditional use. If open space is not dedicated to public use, it shall be maintained for the benefit of the property owner and the residents of the CCRC. The ordinance should clarify that this provision shall not empower the property owner or CCRC residents to devote required open space to any other use.

The conservation restriction shall require that all lands subject to its terms be maintained as undisturbed open space with the following exceptions:

- (a) Dead or diseased trees or other vegetation may be removed when the need for removal is supported by the written certification of a licensed forester;
- (b) A privately owned sanitary sewer force main serving a permitted CCRC, restricted in size to serve only the needs of a permitted CCRC within the zone district, and restricted against receiving or transmitting sewage flows from any other source, should be permitted within the open space area at a location approved by the Planning Board; and
- (c) Stormwater conveyance systems meeting applicable municipal and N.J.D.E.P. requirements should be permitted within the open space area if necessary to transmit collected stormwater runoff from an approved CCRC to a receiving watercourse located within the conservation easement.
- (d) Underground water, gas, electric, telephone, cable television and other utilities serving a CCRC or other conditionally permitted use in the OS-GU CCRC Zone should be permitted within the open space area, if the Planning Board determines that such utility service cannot practicably be provided without traversing mandatory open space.
- (e) A driveway from Sugar Loaf Road for access to future ballfields, related permitted accessory uses, and a religious hermitage within the 30 acre area discussed below.
- (f) Up to 30 acres of open space may be developed for use as (a) playing fields, with incidental dugouts, spectator seating, storage facilities, parking facilities, and an athletic field house, and/or (b) a religious "hermitage," subject to the following restrictions:

- ▶ All playing fields and incidental buildings and improvements must be part of or accessory to a permitted school use within the adjoining OS-GU Zone.
- ▶ The religious hermitage must be part of or accessory to the residence of a religious order within the adjoining OS-GU Zone.
- ▶ All such uses shall be limited to the area identified as approximately 40 acres in the Remaining Acreage Plan.
- ▶ All such uses shall be subject to the 250 foot buffer requirement along Sugarloaf Road and Jockey Hollow Road.
- ▶ No more than 5 of the 30 acres may be covered with impervious surfaces. Impervious surfaces shall include gravel.
- ▶ Building coverage shall be limited to 0.5 acres.
- ▶ Within the 30 acres, no building shall exceed 2 stories in height.
- ▶ Spectator seating shall be limited to seating for 100 spectators per field.
- ▶ In adopting an ordinance to implement these Master Plan provisions, the Township Committee should consider provisions prohibiting or regulating lighting and public address systems for athletic fields within the 30 acres.

Within the CCRC development area, land not improved with buildings, accessory structures, parking or other improvements should be attractively landscaped, maintained as open space, and protected by a conservation easement. The terms of the conservation easement, and the ordinance, should permit future installation of structures accessory to the CCRC, if site plan approval for such accessory structures is granted by the Planning Board. This conservation easement, like the conservation easement on the acreage outside the development area, should effectively prohibit any sanitary sewer improvements other than a privately owned sanitary sewer force main serving a permitted CCRC and restricted against receiving or transmitting sewage flows from any other source.

**Sanitary Sewer and Water.** The ordinance should require that the CCRC be served by a public sanitary sewer system and a public water system. The following conditions shall apply to sanitary sewer service:

- ▶ Sanitary sewer service must be consistent with the Morris Township Wastewater Management Plan and the wastewater management plan of all other governmental authorities having jurisdiction.
- ▶ A maximum diameter for the sanitary sewer force main should be established in the ordinance. The maximum diameter should be the *minimum* diameter necessary to support a CCRC having a size and density permitted by applicable zoning regulations.
- ▶ The sanitary sewer line traversing areas subject to any conservation easement must be privately owned and maintained.
- ▶ If approved by the Morris Township Committee, the ordinance should require that any new sanitary sewer line extension constructed in any public road to serve the CCRC be privately owned and maintained by the owners of the CCRC property.

**Access.** All vehicular traffic to and from a CCRC, except emergency vehicles, should be required to access the facility via a driveway to NJSH Route 24. The access drive may be located in an adjoining OS-GU Zone and may be shared with other permitted OS-GU uses. Direct access to Jockey Hollow Road, Wood Road, and Sugar Loaf Road, except for emergency purposes, should be prohibited. Emergency vehicles may gain access to the CCRC as needed via the most direct and expeditious routes over public and private roads. A new gated emergency access drive, improved to the standards required by Township Emergency Services, connected at an appropriate location to the existing public and/or private road network serving the CCRC, is considered essential by the Planning Board.

**Building Height.** Maximum building height for multi-unit buildings within a CCRC should be 50 feet. Maximum building height for detached or semi-detached independent living units should be 25 feet. Height limits for a religious hermitage and buildings accessory to athletic fields should be established by ordinance.

### **OTHER ZONING STANDARDS**

The following general zoning standards should be established for the new district. These would apply not only to a CCRC but to any use established within the district.

**Land Coverage.** Maximum building coverage in the new zone should be limited to 10%. This limit would be equivalent to the lowest limit on building coverage in any zone under the current zoning ordinance. Maximum total impervious coverage in the new zone should be limited to 15%. This limit would be well below the lowest maximum limit on impervious coverage in the current zoning ordinance.

**Parking.** Ordinance Section 95-54 should be amended to prescribe parking standards for continuing care retirement communities. Requirements for independent living units and assisted living units will be governed by the Residential Site Improvements Standards. Requirements for nursing care beds or units should be 0.6 spaces per unit. Parking space size for independent and assisted living units will be established by the RSIS at 9 feet x 18 feet. A similar size should be required for all other parking spaces serving a CCRC.

### **DESIGN STANDARDS**

An ordinance providing for a CCRC in this area should include design standards to encourage compatibility of any new development with the character of the Washington Valley Historic District in which the CCRC would be located.

### **SPECIFICITY OF STANDARDS**

As noted in the Reexamination Report, comprehensive specific standards for CCRC uses should be specified by the ordinance implementing the recommendations in this Master Plan Amendment. These standards shall be generally consistent with Master Plan recommendations. Master Plan standards have been recommended without definitive metes and bounds survey information. Therefore, all recommended standards should be considered to be estimates or approximations.