

## X. COMPARISON TO OTHER PLANS

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### REVIEW OF MUNICIPAL, COUNTY AND STATE PLANS

The Municipal Land Use Law (MLUL) requires that a municipal Master Plan include a statement concerning its relationship to the plans of contiguous municipalities, the master plan of the county in which the municipality is located, the State Development and Redevelopment Plan (SDRP), and the district solid waste management plan of the County (N.J.S.A. 40:55D-28d.). The purpose of this analysis is to ensure that the general welfare of adjoining municipalities, the County and the State as a whole is addressed in the local planning process. Towards this end, this review of other agency plans addresses the plans of adjoining municipalities, Somerset County and the State of New Jersey.

#### Plans of Contiguous Municipalities

Bernards Township's adjoining neighbors in Somerset County include Bernardsville Borough to the northwest, Far Hills Borough and Bedminster Township to the west, and Bridgewater Township to the south. Adjoining Morris County municipalities include Long Hill Township to the east, and Harding Township to the north.

##### *Bernardsville Borough, Somerset County*

Bernards Township shares its northwestern border with Bernardsville Borough. Beginning in the south, the adjacent land use district is R-1A. This 3 acre (137,500 sq. ft.) low density residential district is non-sewered and contiguous with Bernards Township's CR-1 Conservation Residential District, which calls for one unit per ten acres and four to five acre minimum lot requirements and the P-1 Public Purpose district which is occupied by the Township leaf compost center for residents.

Moving north along the common border the adjacent district changes to R-2 (50,000 sq. ft. minimum lots), which adjoins the Township's Residential Medium Density district (1 acre per unit or less) and an existing residential development in the Residential Multi-family district where multiple family residential uses, including apartments, condominiums, and townhouses, are permitted at a maximum density of six units per acre. North of Mt. Airy Road the adjacent district changes to R-4 (11,250 sq. ft. minimum lot size) and R-3 (20,000 sq. ft. minimum lot size) comparable to Bernards Township's adjoining Residential Medium Density district.

Along the northwestern border, Bernards Township's proposed CR-2 Conservation Residential District, which calls for one unit per seven acres on lots as small as three acres are generally compatible with Bernardsville's R-2 and R-1-10 (10 Acre) low density residential districts.

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### *Far Hills Borough, Somerset County*

To the west, Bernards Township's proposed CR-1 and CR-2 Conservation Residential districts, which permit a density of one unit per ten acres and one unit per seven acres, respectively, adjoins the Low Density Residential district in Far Hills Borough, which permits a development density of 10 acres per unit.

### *Bedminster Township, Somerset County*

Moving further south along Bernards Township's western border, a nearly straight boundary line divides Bernards Township from Bedminster. The boundary extends from Schley Mountain Road to Prospect Road through the Hills Development in Bernards Township. The Hills Development, which includes a portion of the medium density (1 acre per unit or less) and the multi-family residential districts, adjoins Bedminster's Planned Residential Development (PRD) district (8 du./ac), which has been fully developed. This residential development consists of single family detached dwelling units, townhouse and garden apartment multiple family dwelling units which are compatible with the Hills inclusionary development in Bernards, where a gross density of up to two units per acre is permitted.

### *Bridgewater Township, Somerset County*

Bridgewater Township forms the southwestern border of Bernards Township. Bernards Township's CR-1 Conservation Residential district (10 Acre), and P-1 Public Purpose districts are adjacent to the R-50 district in Bridgewater, which permits single-family detached homes on 50,000 square foot lots, country clubs, outdoor recreation facilities, agricultural and horticultural uses and municipal facilities.

### *Warren Township, Somerset County*

To the south, Bernards Township's Office-Employment and Public Purpose (P-1) districts and a small portion of the low density residential district (1-2 Acres per unit) abuts the Office Research (OR) and the Agricultural-Residential Environmental Protection (EP-250) districts in Warren Township. The OR district provides employment opportunities along interstate Route 1-78. with uses limited to service, research and administrative activities..

The EP-250 district includes areas of significant environmental constraints, as identified on the Environmental Constraints Map contained in the adopted Master Plan of Warren Township dated January 22, 1990. Development standards encourage clustered single-family dwellings. Areas of accessible, and contiguous buildable uplands which are greater than twenty (20) acres are considered appropriate for uses other than strictly large lot single-family residential or

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clustered single-family dwellings, and permit nursing homes, retirement facilities, private membership, nonprofit and recreation facilities as conditional uses.

To the southeast, Bernards Township's Office-Employment district, which provides major regional corporate office and employment opportunities and the CR-1 Conservation Residential district (10 Acre) residential district are contiguous with three residential zones and one mixed used zone in Warren Township. The residential districts include R-65 (1.5 Acre) Residential, R-20 (20,000 square foot) Residential, R-40 AH/MF Affordable Housing which permits single family dwellings on 20,000-40,000 square foot lots and multi-family on three acres. The BR-40 mixed use district permits single family dwellings, service and office uses and serves as a transition between residential and non-residential districts.

### *Long Hill Township, Morris County*

Bernards Township shares its easterly border, formed by the Passaic River, with Long Hill Township, where the R-3 residential district permits single family homes on 30,000-square foot lots and the Conservation district which permits single -family homes on 3-acre lots.

A majority of the land adjacent to Bernards is within three Conservation districts, which permit single family dwellings on three acre lots, agricultural uses, public uses and horse farms, riding stables, swim clubs, green houses and nurseries. A majority of the land within these conservation districts adjacent to Bernards Township is either parks or public facilities.

A small portion of the LI-2 district is located on Stone House Road near the Bernards Township border, which permits manufacturing, processing or the fabricating of materials or finished projects and warehousing uses on two acre lots.

The adjacent land use districts in Long Hills are compatible with Bernards Township's CR-2 Conservation Residential, which permits a density of one unit per seven acres, Residential Medium Density district (1 Acre per unit or less) and the Public Purpose (P-1) district, which permits public recreation and open space, public parks, roads and other public purpose uses.

### *Harding Township, Morris County*

To the northeast, a majority of the adjacent land in Harding Township is in the R-1 (3 Acre) Residential district, which permits single family homes, farms, truck gardens and nurseries. The adjacent land use district surrounding Route 287 is the B-2 Business district, which permits retail and service establishments on 40,000 square foot lots. The remaining land within Harding Township is within the Public Land (PL) district.

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The PL district policies are influenced by significant public land holdings including the Great Swamp National Wildlife Refuge and Morristown national Historical Park. Other public land holdings include land along Route 287.

The adjacent land use districts in Harding Township are generally compatible with Bernards Township's CR-2 Conservation Residential district and the Office-Employment district.

### **Summary of Municipal Plan Compatibility**

In general, the plans of Bernards Township's adjoining neighbors include a mix of residential and non-residential districts. For the most part, the character of the development and planning and zoning in adjoining municipalities is highly compatible to that in Bernards Township. However, where potential conflicts exist, as in cases of non-residential and abutting residential development, careful site planning and design can minimize most impacts.

### **COUNTY AND REGIONAL PLANS**

#### **Somerset County 1987 Master Plan**

In accordance with the New Jersey County and Regional Planning Act of 1968 (N.J.S.A. 40:27-2) the Somerset County Planning Board prepared a Master Plan for the physical development of the County in 1987. That plan was last reexamined in 1998. The County is currently working on a Somerset County Smart Growth Strategic Plan, entitled "Creating Quality Communities Together", which will serve as an update to the previous planning documents.

#### **Somerset County Smart Growth Strategic Plan**

The County Smart Growth Strategic Plan is intended to comprise an update of the 1987 Somerset County Master Plan. Preparation of the County Smart Growth Strategic Plan commenced in 2004, and is funded by a \$250,000 Smart Growth Grant from the NJ Department of Community Affairs, as well as additional funding provided by the Somerset County Board of Chosen Freeholders.

This plan will provide an overall regional planning framework for smart growth, preservation and infrastructure investment decisions, defining how the State Development and Redevelopment Plan, the Highlands Regional Master Plan and the Updated County Wastewater Management Plan should be translated at the local, regional and state levels so that land use, policy and investment decisions at these different jurisdictional levels are mutually supportive.

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The County Smart Growth Strategic Plan embraces and builds upon the new mapping and spatial analysis tools provided by Geographic Information System (GIS) technology, which now forms the foundation for contemporary state, regional and local plans across the country and internationally. The new plan will include “indicators” for measuring progress in attaining the plan’s goals, making it a “strategic” as well as comprehensive regional planning guide for Somerset County.

Phase I involved the completion of a “County Profile Report” that compiles data describing land development, demographic, economic and environmental trends and issues affecting Somerset County; “Guiding Principles” that comprise the goals and objectives of the County Smart Growth Strategic Plan, and the development of GIS datasets necessary for performing “Trend” build-out and impact analyses based on current zoning, using innovative spatial data analysis tools including the “CommunityViz” Model.

Phase II involved the preparation of the additional GIS datasets needed to define and complete a “Smart Conservation” build-out scenario. The results of the Smart Conservation Scenario were compared with “Trend” results, and demonstrated the relative advantages targeted growth and enhanced conservation efforts will have in helping to achieve the County’s regional smart growth vision for the future.

Phase III, currently underway, involves the shaping of plan maps that represent the vision for the future of the County. The plan is organized around the concept of “3 Systems”:

1. Natural and Cultural System, which is represented by the “Smart Conservation” components of the plan;
2. The Community and Economic System, which is represented by the “smart investment” components of the Plan’ and
3. 3) The Transportation and Infrastructure System”, which is represented by the “Smart Investment” components of the Plan.

Each of the 3-System Plan components will be mutually supportive, directly reflect the guiding principles, and link to the Plan’s “Implementation Strategies”. The mapping protocol and datasets for creating these GIS-based plans were developed by County Planning Staff. Draft maps were prepared by the Consultant and submitted to County Planning Staff for review, along with draft Chapters 1 through 4.

The County’s responsibility to prepare an Area-wide Water Quality Management Plan has assumed priority over the completion of the County Smart Growth Strategic Plan, which has been placed on hold. The County has asked their consultant to integrate at a minimum the draft updated State Plan Policy Map released by the Office of Smart Growth recently into the County Smart Growth Strategic Plan. It is believed by the County that coordination of the County Smart

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Growth Strategic Plan and the State Development and Redevelopment Plan (SDRP) is of significant importance and the SDRP cross-acceptance process was integrated into the development of the County Smart Growth Strategic Plan process. The County foresees a new timeline being released soon to finish the County Smart Growth Strategic Plan.

### **Highlands Regional Master Plan**

Bernards Township is one five municipalities within the Highlands Region, as defined by the Highlands Water Protection and Planning Act (P.L. 2004, c.120). Bernards, along with Far Hills, Peapack-Gladstone and Bernardsville, is entirely within the Highlands Planning Area, while Bedminster is split between the Planning Area, which blankets most of the Township, and the Preservation Area, north of Pottersville Road.

Only those portions of communities within the Preservation Area must be brought into conformance with the Regional Master Plan (RMP), while it is voluntary for those portions of communities within the Planning Area. Nonetheless, NJDEP will utilize the RMP in reviewing applications for permits under its jurisdiction and the effects of the Highlands Act and RMP will be felt even in Planning Area municipalities not choosing to conform.

### **STATE DEVELOPMENT AND REDEVELOPMENT PLAN**

The New Jersey State Planning Act was signed into law over twenty years ago, providing for the first State Plan ever formally adopted with input from New Jersey's counties, municipalities, and citizens. The State Planning Act of 1985 (NJSA 52:18A-196 et. seq.) recognized the intent of the legislature to provide for sound and integrated statewide planning calling for a smart growth approach in order to "conserve its natural resources, revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development, and renewal..."

The State Planning Act established a process (Cross-acceptance) that invited the active participation of state agencies, and County and local governments as well as concerned citizens and private interests. Among the guiding principles of the State Planning Act are "the provision of adequate and affordable housing in reasonable proximity to places of employment" and the recognition that "the preservation of natural resources and environmental quality is vital to the quality of life in New Jersey".

The State Planning Commission, created under the State Planning Act, was empowered to effectuate its goals by promoting coordination among state agencies and local government, providing technical assistance to local governments, developing recommendations for a more efficient and effective planning process and

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recommending to the Governor and Legislature such actions as would improve the efficiency or effectiveness of the planning process.

The Cross-acceptance process is a collaborative, participatory process by which state agencies and local governments join in statewide planning to achieve full public participation in the process and a consensus among all levels of government. For this reason, the State Development and Redevelopment Plan (SDRP) carries with it the weight of a long and detailed process of comparison of planning goals, negotiation of differences, and resolution of issues, allowing for a coordinated set of public policies which resonate around central themes. Additionally, N.J.S.A. 40:55D-28 (d) requires that municipal master plans include a statement indicating the relationship of the municipal master plan to the SDRP.

On March 1, 2001, the State Planning Commission adopted the revised State Plan. This document represents modifications that came about during cross-acceptance of the Preliminary State Development and Redevelopment Plan, which began in 1997 and came to a close in 1999.

While some of the policies and mapping in the State Plan have changed, the central organizing principle of the SDRP has remained – compact “centers” surrounded by “Environs” where natural resources and farmland can be protected and retained.. The classification system that the State Planning Commission used to map the entire State into appropriate “Planning Areas” has also remained. The Planning Areas for Bernards Township are shown on Figure X-1.

In April 2004 the State Planning Commission released the Preliminary State Plan Policy Map. After numerous public meetings and individual meetings with Municipal Cross Acceptance Committees from municipalities including Bernards; the completion of municipal “Plan Consistency” questionnaires; and the compilation of proposed changes to the State Plan Policy Map in GIS format, the Final Somerset County Cross Acceptance Report was prepared submitted to the State Planning Commission in March 2005. It contained numerous recommended changes to the 2001 State Plan Policy Map, the bulk of which comprised updated information about county and local preserved open space and farms. In addition, a number of Planning Area changes were made to more accurately reflect existing development patterns, infrastructure and environmentally sensitive features.

The Office of Smart Growth (OSG) conducted a detailed review of the changes to the State Plan identified in the County’s Cross Acceptance Report and released a comprehensive list of “Agreements and Disagreements” which was used as the basis of the Negotiation Phase of Cross Acceptance. Further refinements of the proposed updated State Plan Policy Map for Somerset County took place during the Negotiation Process.

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In the 2001 State Plan Bernards Township includes three Planning Area designations as identified in the State Plan Policy Map. They are Planning Area 2, Suburban; Planning Area 3, Fringe; and Planning Area 5, Environmentally Sensitive.

In the Somerset County Cross-Acceptance Report, prepared by the County, Bernards advanced several map amendments.

1. Changing a sewerred, fully built 77-unit assisted living residence from Planning 5 to Planning Area 2. Negotiations resulted in the developed portion of the site changing to PA 2 with a Critical Environmental Site (CES) designation to reflect the wetlands, with the undisturbed portion to remain PA 5.
2. Changing Dewy Meadow Village Center, a sewerred, fully-developed retail center with associated infrastructure, from PA 5 to PA 2. This resulted in the northern portion of the site that is already developed being joined to the adjacent PA2. The undisturbed area of the site includes a vernal pool, wetlands covering the southern end of the site, and flood prone areas and should remain PA5.
3. Changing the existing residential parcels served by public sewers on Riverside Drive from PA 5 to PA 2. Negotiations resulted in the undeveloped portion remaining PA5, and where appropriate, the updated PA 2 should have CES reflected on the map.
4. Establishing a CES on North Maple Ave. parcels with floodplains and wetlands. The OSG response was that wetlands are only visible on the eastern portion, which should be changed to PA 5.
5. Changing PA 2 to PA 5 for lots on Sunset Lane that are not in the sewer service area. OSG responded that sewers are not the only determining factor for PA 2 and cited a CES overlay for part of the property.
6. Changing the undeveloped portion of the Pingry School to PA5. The undeveloped portion of the site includes large areas of wetlands and includes areas of high groundwater recharge. Newly mapped data identifies the wooded area as threatened & endangered species habitat. OSG concurred.

Since the State Plan has no regulatory authority, the utility of these Planning Area designations, relies on implementation in local and county plans and state agency functional plans. The courts have respected the SDRP in recent municipal zoning decisions and the State Plan has gained more influence as a regulatory tool among State agencies over the past couple of years. Many state funding sources and discretionary awards have State Plan compliance requirements, making use of the State Plan and its policies more attractive to municipalities throughout New Jersey.

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Table X-1 illustrates the distribution of land by SDRP policy area:

**Table X-1, Bernards Township's Acreage by Planning Area**

Planning Area	GIS Acreage	Percent
Suburban (PA-2)	9,129	58.5
Fringe (PA-3)	3,740	24.0
Environmentally Sensitive (PA-5)	2,725	17.5
	15,594	100.0

Planning Area 2, the Suburban Planning Area, includes areas intended to shoulder much of the future development throughout the State. These Planning Areas are often located near metropolitan areas and are delineated by non-congruent low-density patterns of development that are highly dependant on private transportation and still contain larger tracts of developable land. Planning Area 2 occupies most of the Township.

Planning Area 3, the Fringe Planning Area, is identified by its rural landscape and freestanding residential and commercial development. The Fringe Planning Areas are often located in regions that sit between the Suburban Planning areas and the Rural Planning areas, and thus act as a transition zone between the two. These regions are recognized by their rural character, which does not consist of prime agricultural soils or environmentally sensitive land. The Fringe Planning Area includes the proposed Conservation Residential (CR-1) district.

Planning Area 5 possesses many of the State's most significant environmental resources. It is comprised mainly of wetlands, forests, and steep slopes, and may also possess scenic views and other valuable qualities as well. The portion of the Township that is categorized as Planning Area 5 is found in the northwest and along the Passaic and Dead river corridors.

Bernards Township's officials participated in Cross-acceptance in order to assess the implications of the basic principles which guide the State Plan. The proposed land use plan amendment articulates the Township's vision for its future and was formulated in response to these basic principles.

The State Plan describes the Suburban Planning Area (PA 2) as:

- land area that is contiguous to the Metropolitan Planning area
- land area that is greater than one square mile

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- natural infrastructure and systems able to meet the needs of a growing population which includes, public water supply, sewage collection and treatment facilities, stormwater, transportation, public schools and parks.

The goals of the State Plan for PA 2 are:

- provide for most of the State's future development
- promote growth in centers and reduce and reverse sprawl while protecting the character of existing communities
- protect natural resources

The Fringe Planning Area (PA 3) is characterized in the State Plan as:

- areas that are adjacent to metropolitan or suburban planning areas
- regions that are lacking in major infrastructure investments, for example roads are mainly provided and maintained by the State or County and traffic is meant to move through the area
- land that does not meet the criteria of Rural or Environmentally Sensitive Planning Areas

The intent of the State for PA 3 is to:

- promote growth in centers and confine sewers and public water to these centers.
- provide a buffer between more developed Metropolitan and Suburban Areas and less developed Rural and Environmentally Sensitive Areas.
- protect natural resources and the character of existing communities.

The Environmentally Sensitive Planning Area (PA 5) is characterized in the State Plan by:

- high quality surface waters and their watersheds
- watersheds of potable water supply sources
- aquifer recharge areas
- valuable ecosystems and habitat for threatened and endangered species
- contiguous freshwater wetlands systems
- significant natural features or landscapes, including critical slope areas, ridge lines, important geological features and unique ecosystems.
- prime forested areas

The SDRP cites PA 5 as "highly vulnerable to damage of many sorts from new development...including fragmentation of landscapes, degradation of aquifers and potable water, habitat destruction, extinction of plant and animal species and destruction of other irreplaceable resources ." These environmental sensitivities

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prompted concern in the SDRP that “new development (in PA 5) has the potential to destroy the very characteristics that define the area.”

The intent of the SDRP for PA 5 seeks to:

- protect environmental resources through the protection of large contiguous areas of land
- accommodate growth in Centers
- protect the character of existing stable communities
- confine sewers and programmed water services to centers
- revitalize cities and towns

The State Plan emphasizes that growth should be organized within existing or planned centers, and that the Environs, outlying areas of lower development intensity outside centers, should be protected from suburban sprawl. The State Plan does not include any designated or proposed centers in the Township; however, the current list of identified centers includes Liberty Corner as a Village and Basking Ridge-Lyons as a Town.

In order to accommodate State Plan goals for both the Environs and central places, development needs to be realigned along smart growth principles. A push-pull relationship should evolve where growth is directed away from the Environs and into the cities and older suburbs, where redevelopment opportunities abound. The redevelopment vision of the State Plan cannot be realized unless the economic force behind sprawl is redirected toward these redevelopment opportunities.

The State Plan vision for New Jersey in 2020 saw diverse and thriving cities and towns with a desirable quality of life where reinvestment and public/private partnerships have reclaimed brownfield sites. At the same time, this 2020 vision foresaw rural areas where limited growth has been accommodated “while maintaining the rural character and large contiguous areas of farmland so important to all the citizens of New Jersey” and where “farmland and other open lands have been preserved to ensure the future viability of agriculture and maintain a rural environment.”

The current Draft SDRP, recently released by the Office of Smart Growth, maintains and refines the goals and Smart Growth strategies of the 2001 State Plan. As noted in Volume 1 of the Draft SDRP, “The eight original goals of the State Plan were derived from the State Planning Act by the State Planning Commission over a long period of deliberation. A ninth goal, recognizing the emerging issues of Greenhouse Gas Emissions, Fossil Fuel Dependence and Climate Change, has been added.

The State Plan, while not mandatory; is a comprehensive guide to land use planning for a better New Jersey built upon an inclusive cross-acceptance process, and the ultimate success of the endeavor is largely in municipal hands. The Bernards

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Township Master Plan has incorporated local policies and strategies that respond to the basic premises, intent and purposes of the State Plan.

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