FEBRUARY 23RD, 2016
REGULAR SCHEDULED MEETING
OF THE
PLANNING AND ZONING BOARD

LET THE RECORD REFLECT THAT THE MEETING WAS HELD AT 135 ROUTE 73 SOUTH.

CHAIRMAN ***CH. DEGEORGE OPENED THE MEETING WITH THE OPEN PUBLIC MEETINGS STATEMENT FEBRUARY 23RD, 2016 AT 5:30 PM, FOLLOWED BY THE SALUTE TO THE FLAG.***

ROLL CALL

MR. RIEBEL	A
MR.ROWAN	A
MR. CARLAMERE	P
KELLEY SHENDOCK	P
MAYOR MAGAZZU	P
MR. DEPALMA	P
MR. DEGEORGE	P
V. CH. MCHENRY	P
COUNCIL PRESIDENT MORRIS	P
MR. PANTANO	P
MR. BALISKI	A
MR. SYKES	A
MRS. SIMPSON	P

INFORMAL
JERRY MURATURE: ***MR. MURATURE CAME FORWARD INFORMALLY TO DISCUSS HIS PROPERTY THAT HIMSELF AND HIS PARTNER MR. TOM DOYL OWN. THIS PPROPERTY ORIGINALLY WAS STARTED BY PAPRONE HOUSING.***

MR. MURATURE HAD SOME DISCUSSION WITH THE BOARD ON WHAT SOME POSSIBILITIES ARE THAT CAN BE DONE WITH THE PROPERTY.

MR. MURATURE IS INTERESTED IN BUILDING A DEVELOPMENT, OR TOWNHOMES, OR A SINGLE HOUSE, BUT THE INGRESS AND EGRESS WOULD BE FROM LAFAYETTE IN VOORHEES TOWNSHIP.

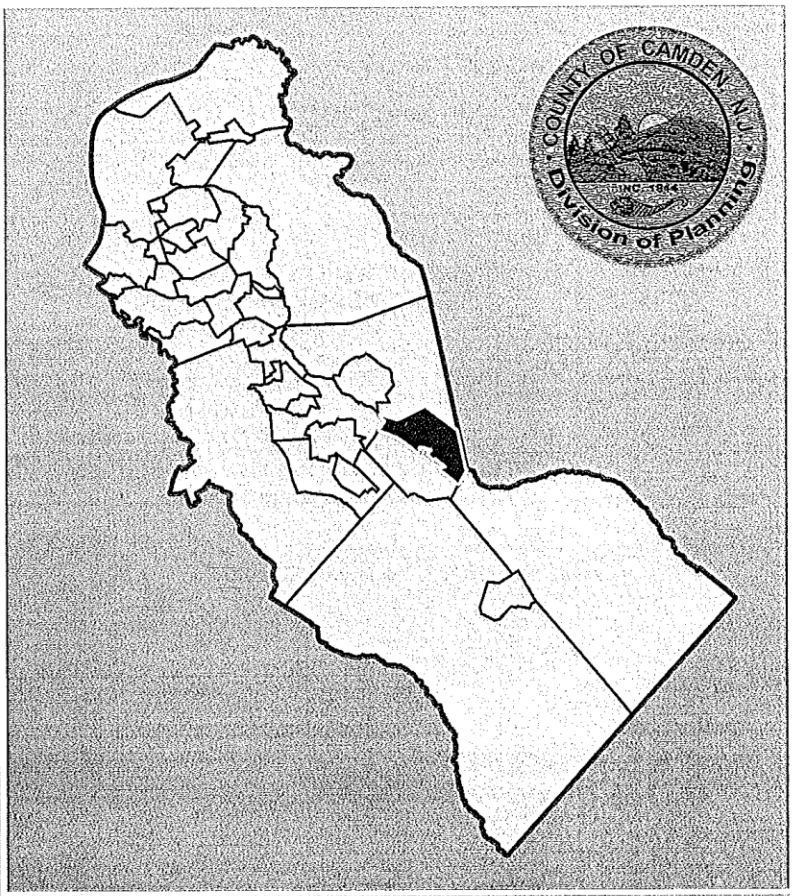
MR. CARLAMERE STATED THAT THE BOARD WOULD BE HARD PRESSED TO APPROVE A DEVELOPMENT THAT DOES NOT HAVE ROAD ACCESS FROM OUT TOWNSHIP.

THE BOARD RECOMMENDED TO MR. MURATURE THAT HE COME BACK WITH A PLAOT PLAN OR TAX MAP OF THE PROPERTY AND SHOW THE BOARD WHAT HE IS LOOKING TO DO.

ANDREW LEVECCHIA ***MR. ANDREW LEVECCHIA IS THE PLANNING DIRECTOR WITH CAMDEN COUNTY. HE EXPLAINED TO THE BOARD THAT SHOULD THE TOWN CONSIDER TO ENTER INTO A SHARED SERVICE AGREEMENT FOR THE REEXAMINATION OF THE MASTER PLAN***

BE DONE BY CAMDEN COUNTY. MR. LEVECCHIA HANDED OUT AN INFORMATIONAL PACKET THAT EXPLAINS THE PROCESS.

Camden County Planning Division



Master Plan Reexamination Report Procedures

For use by:
Planning Boards, Zoning Board of Adjustments, Governing Bodies, Attorneys, Municipal Clerks, Land Use Board Secretaries, Land Use Administrators & Planners

Berlin Township

camden county

Making It Better, Together.

Camden County Planning Board

George W. Jones, Chairman
Dennis S. Garbowski, Vice Chairman
Joseph Pillo
Farhat Biviji
Daniel P. Cosner
Thomas Schina
Kevin Becica, County Engineer
Catherine Binowski, Planning Board Counsel
Freeholder Carmen G. Rodriguez – Alternate

Camden County Board of Chosen Freeholders

Louis Cappelli, Jr.
Edward T. McDonnell
Jeffrey L. Nash
Carmen G. Rodriguez
Jonathan L. Young, Sr.
Susan Shin Angulo
William F. Moen, Jr.

CAMDEN COUNTY PLANNING

Andrew Levecchia, Planning Director
Matthew Zochowski, Assistant Planner

Camden County Planning Department
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I. Introduction

The Municipal Land Use Law (Chapter 291, Laws of New Jersey, 1975, as amended, known as the MLUL) establishes the legal framework for municipal planning and requires that municipalities conduct a general reexamination of their master plans at least every ten (10) years. The Master Plan is the official public policy for a municipality, providing the basis for not only zoning, but also for public improvements (such as streets and sidewalks) and public programs (such as affordable housing). The process of preparing and adopting the Master Plan requires an integrated outreach program that engages the community and various stakeholders to discuss issues, evaluate strategies and achieve consensus on the recommendations in the Plan. This process is what provides credibility to the Plan as a public policy document.

A Master Plan Reexamination Report also serves as an important tool for communities. It helps identify problems or issues related to development in a municipality and tracks changes in assumptions and policies. It accounts for changes to municipal, county, state and federal objectives that may have arisen since the last reexamination or writing of a master plan. It also recommends incorporating any desired redevelopment plans into the land use plan element of the master plan. Most importantly, the reexamination ensures that municipal regulations, policies and ordinances are still considered reasonable in addition to recognizing municipal planning as an ongoing and participatory function of local governing.

A reexamination report provides direction and the ability to revisit assumptions, policies and development regulations that work well or poorly in a community. Additional steps may be taken such as preparing, revising and including any necessary master plan maps with proposed zoning changes recommended in the report. Although it is required to be done every ten years, it is good practice to reexamine the master plan on an as needed basis to respond to changes in the municipality or region that affect the master plan. Following events such as cuts in state and federal grant monies or significant unplanned or unexpected events such as Hurricanes like Irene and Sandy, many municipalities choose to perform a reexamination report early, as previous policies may have changed.

User Disclaimer

This informational guide does not summarize or replace all components of the New Jersey Municipal Land Use Law, Local Redevelopment and Housing Law, the Open Public Meeting Act or any other laws mentioned. Please consult with a municipal or redevelopment attorney familiar with the issues described in this guide for further guidance, as the topics and steps cited herein often change as new laws are enacted or amended and court decisions modify the ways these plans, maps and laws are used.

II. Key Notes

What is the Municipal Land Use Law:
The Municipal Land Use Law (Chapter 291, Laws of New Jersey, 1975, as amended, known as the MLUL) establishes the legal framework for municipal planning. It is the enabling legislation for municipal land use and development planning, zoning, and, since 1986, historic preservation zoning. It is also the legislative foundation of Planning Boards and Zoning Boards of Adjustment in the State of New Jersey. It defines the powers and responsibilities of boards and is essential to their functions and decisions.

What is a Master Plan Reexamination Report:
A report that reexamines the master plan and development regulations of a community, which is required to be completed at least every ten (10) years from the previous reexamination. The planning board, shall prepare and adopt by resolution a report on the findings of such reexamination, and a copy of which report and resolution shall be sent to the county planning board. (N.J.S.A. 40:55D-89)

Purpose:
The purpose of a Reexamination Report is to review and evaluate the Master Plan and municipal development regulations on a regular basis in order to determine the need for updates and revisions. This Reexamination Report reviews the progress of the municipality in achieving its planning objectives, identifies any major problems or significant changes and considers the need for changes in order to ensure that the municipal plan is current and meets the needs of the municipality.

Authorization, Preparation & Adoption:
The Governing Body authorizes the Planning Board to undertake the preparation of the Reexamination Report. (N.J.S.A. 40:55D-89) The Planning Board may by adopted resolution, delegate the responsibility to a planner on behalf of the planning board. If a planner is not available at the municipal staff level, the planning board may hire a professional planning consultant or ask for assistance from the Camden County Division of Planning. Typical preperation time is approximately 6-9 months. Adoption, amendment and revision powers are held by the Planning Board.

Moratoriums:
Municipalities are not legally permitted to have a moratorium on development in order to prepare a Master Plan Reexamination report first. No moratoria on applications for development or interim zoning ordinances shall be permitted except in cases where the municipality demonstrates on the basis of written opinion by a qualified health professional that a clear imminent danger to the health of the inhabitants of the municipalityy exists, and in no case shall a moratorium or interim ordinance exceed a six-month term. (N.J.S.A. 40:55D-90)

Consequences of Not Adopting a Reexamination Report:
The absence of the adoption by the planning board of a Master Plan Reexamination Report shall constitute a rebuttable presumption that the municipal development regulations are no longer reasonable. (N.J.S.A. 40:55D-89.1) An applicant can challenge a municipality on the reasonableness of a zoning ordinance in Superior Court. A required periodic reexamination of the master plan has not been done. In addition, a zoning ordinance or development regulations can be held invalid. Essentially, if a municipality does not have a re-examination report or a current plan, it leaves the current zoning vulnerable to legal challenges.

VI. Five Required Key Elements:

As required by the Municipal Land Use Law, the following five requirements of a Reexamination Report need to be addressed, pursuant to N.J.S.A. 40:55D-89a through N.J.S.A. 40:55D-89e, as reflected below:

a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last Reexamination Report;

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

c. The extent to which there have been significant changes in 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 use, housing conditions, circulation, conservation of natural features, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, County and municipal policies and objectives;

d. The specific changes recommended for the Master Plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulation should be prepared;

e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," into the land use plan element of the municipal Master Plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

VII. Typical Master Plan Reexamination Report Deliverable:

In a Master Plan Reexamination report, municipalities must have required elements but can also add optional elements as well.

Sample Reexamination Report Table of Contents

I. Executive Summary
II. Introduction
III. Major Problems and objectives related to land development*
IV. Reduction or increase in major problems and objectives*
V. Extent of significant changes in assumptions, policies and objectives*
VI. Changes recommended to master plan and development regulations*
VII. Incorporation of recommended adopted redevelopment plans*
VIII. Land Use Regulation and official zoning map changes
IX. Relation to other plans (adjoining municipalities, county and state)
X. Implementation steps
XI. Conclusion
XII. Maps or other appendices

*Required element pursuant to N.S.S.A. 40:55D-89 (Municipal Land Use Law)

IX. Adoption steps:

The Master Plan Reexamination Report must be adopted correctly in order to be implemented:

1. A hired planner, on behalf of the planning board, prepares draft Master Plan Reexamination report.
2. Planning Board notices must go out and public meeting is held on the draft report.
3. Hired Planner or Planning Board presents the draft report to the Planning Board and public.
4. Planning Board hears testimony and any public comments made on the report at hearing.
5. Planning Board or hired planner compiles comments and prepares the final draft report with revisions made.
6. Planning board notices go out and public meeting held.
7. Hired planner or Planning Board presents final draft to the public and Planning Board for adoption.
8. Planning Board adopts final draft of Master Plan Reexamination Report.
9. Planning Board memorializes decision by resolution at a meeting no more than 4 days after the hearing.
10. Master Plan Reexamination Report is made available to the general public after adoption.
11. Planning Board amends the master plan or Governing Body amends development regulations to conform to the adopted Master Plan Reexamination Report.
12. Governing Body amendments of development regulations require referral to the Planning Board pursuant to N.J.S.A. 45:555D-26 & 64.

VIII. Procedural Steps Checklist

Use the following checklist to help you get started in preparing a municipal Master Plan Reexamination Report:

Step #1: Authorize Report

- ☐ Municipality confirms date of last Master Plan Reexamination Report done.
- ☐ Planning Board notifies the Governing Body to update or create a new report
- ☐ The Governing Body authorizes the Planning Board, by resolution, to develop a Master Plan Reexamination Report.

Step #2: Designate Preparer

- ☐ The Planning Board chooses, by resolution, to prepare report itself or secure a planner to develop a Master Plan Reexamination Report on their behalf. (If a planner is not available at the municipal staff level, hire a professional planning consultant or ask for assistance from the Camden County Division of Planning.)

Step #3: Collect Data

- ☐ A Planner collects and reviews municipal data (Master Plan, ordinances, redevelopment plans, studies, prior Master Plan Reexamination Reports, maps, etc.)
- ☐ A planner interviews and/or surveys typical stakeholder parties involved to obtain input and guidance on the development of the report.

Step #4: Review Data

- ☐ Previous Master Plan Reexamination Report(s).
- ☐ Municipal Master Plan
- ☐ Official Map
- ☐ Zoning Map, and any changes if applicable
- ☐ Zoning ordinance and amendments, if any
- ☐ Redevelopment Plans
- ☐ Redevelopment Area Investigation Reports
- ☐ Annual Reports of Zoning Board of Adjustment
- ☐ Any applicable planning studies

Step #5: Identify

- ☐ Major Problems and objectives related to land development
- ☐ Reduction or increase in major problems and objectives
- ☐ Proposed and recently adopted land use regulation and official map changes
- ☐ Extent of significant changes in assumptions, policies and objectives
- ☐ Changes recommended to land development ordinance
- ☐ Changes recommended to master plan
- ☐ Include recommendations of any adopted redevelopment plans if applicable

Step #6: Draw Maps

- ☐ Prepare, revise and include any necessary master plan maps
- ☐ Prepare and include a map that shows the proposed zoning changes recommended in the report

Step #7: Write Report

- ☐ Planning Board or hired planner drafter the Master Plan Reexamination Report containing all required elements and any optional elements desired by the municipality.

Step #8: Present & Adopt

- ☐ Planning Board or hired planner presents draft Master Plan Reexamination Report to Planning Board at a noticed public hearing.
- ☐ Planning Board or hired planner makes any necessary changes to draft report based on comments made by the Planning Board and the public, if applicable.
- ☐ Planning Board or hired planner presents the final Master Plan Reexamination Report to Planning board at a noticed public hearing for adoption.
- ☐ Planning Board hears testimony, makes a decision and adopts report by resolution.
  Planning Board memorialize resolution adopting the Master Plan Reexamination Report.

VI. Additional Resources:

Please consult with a land use and or/ redevelopment attorney familiar with the issues described in this guide for further guidance, as the topics and steps cited herein often change as new laws are enacted or amended and court decisions modify the ways these plans, maps and laws are used. Additional information regarding planning in New Jersey and Reexamination Reports can be found in through the following resources.

Camden County Division of Planning
http://www.camdencounty.com/government/offices-departments/ planning-division

New Jersey Office For Planning Advocacy
http://www.nj.gov/state/planning/

American Planning Association: New Jersey Chapter
http://njplanning.org/

New Jersey Association of Counties
http://njac.org/

New Jersey Future
http://www.njfuture.org/

New Jersey County Planners Association
http://www.njcountyplanners.org/

New Jersey Planning Officials
http://njpo.org/

2016

THE BOARD WILL HAVE A SMALLER GROUP THAT WILL WORK WITH CAMDEN COUNTY PLANNING AND THE GROUP WILL CONSIST OF FOUR MEMBERS:

1. ***MAYOR MAGAZZU***
2. ***COUNCIL PRESIDENT MORRIS***
3. ***CH. DEGEORGE***
4. ***MR. PANTANO***

MOTION: ***A MOTION TO RECOMMEND TO ENTER INTO A SHARED SERVICE AGREEMENT WITH CAMDEN COUNTY WAS MADE BY V. CH. MCHENRY AND SECONDED BY MR. DEGEORGE. THIS MOTION WAS CARRIED OUT BY ROLL CALL.***

PUBLIC PORTION ***THERE WAS NO ONE IN THE PUBLIC TO COME FORWARD.***

RESOLUTIONS ***N/A***

ADJOURNMENT ***A MOTION TO ADJOURN THE MEETING WAS MADE BY COUNCIL PRESIDENT MORRIS AND SECONDED BY MR. DEGEORGE THE MEETING ADJOURNED AT 6:40 PM.***