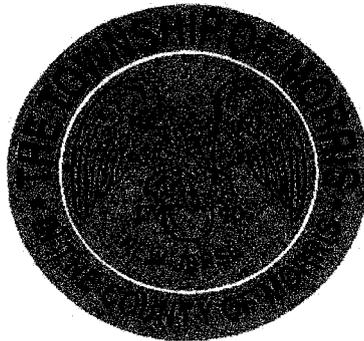


# MORRIS TOWNSHIP

## *MASTER PLAN REEXAMINATION 2007*



ADOPTED BY PLANNING BOARD ON  
August 20, 2007

AMENDED & ADOPTED MARCH 16, 2009

This report has been signed and sealed in  
the original in accordance with

N.J.A.C. 13:41 - 1.3

A handwritten signature in black ink, appearing to read "Adrian P. Humbert", is written over a horizontal line. The signature is fluid and cursive.

Adrian P. Humbert, AICP/P.P.

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## **INTRODUCTION**

This Reexamination Report 2007 continues the Morris Township Planning Board's efforts to maintain and keep current its comprehensive Master Plan and to properly direct the future growth, development, and redevelopment of Morris Township. It builds upon the Board's prior Master Plan work and the land use ordinances which have guided the Township over the years. The report seeks to maintain and reinforce the Township's land use policies to encourage high quality land uses to locate in Morris Township and discourage those policies and land use decisions which would lead in the opposite direction.

Morris Township has conducted its land use and master planning as an on-going, critical function of municipal government. The land use statute of New Jersey, the Municipal Land Use Law (MLUL) at NJSA 40:55D-89, codifies the need for continuing planning with the following statement regarding periodic examination of the Master Plan:

"The governing body shall, at least every six years, provide for a general reexamination of its Master Plan and development regulations by the Planning Board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the County Planning Board. A notice that the report and resolution have been prepared shall be sent to the municipal clerk of each adjoining municipality who may, on behalf of the governing body of the municipality, request a copy of the report and resolution. A reexamination shall be completed at least once every six years from the previous reexamination."

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The required statutory contents of the reexamination report shall state:

- The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- 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 and natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, County and municipal policies and objectives.
- 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.
- The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law", P.L.1992, c79 (C40A:12A-1 et al) into the land use plan element of the municipal master plan, and recommend changes, if any, in the local development regulations necessary to effectuate the redevelopment plan of the municipality."  
*(Not applicable to Morris Township)*

Morris Township has maintained its comprehensive master plan tradition for more than five decades. This reexamination continues this tradition.

This Master Plan Reexamination Report represents an on-going effort on the part of the municipality to ensure that its planning policies and land use goals and objectives remain current and effectively address the issues facing the Township.

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**MUNICIPAL LAND USE LAW (MLUL)**

The MLUL requires that the master plan include a statement of goals, objectives and policies upon which the proposals for the physical, economic and social development of the Township are based. The plan must include a land use element which takes into account physical features, identifies the existing and proposed location, extent and intensity of development for residential and non-residential purposes, and states the relationship of the plan to any proposed zone plan and zoning ordinance. The statute also requires municipalities to prepare a housing plan and recycling plan. Additionally, it identifies a number of other plan elements such as circulation, recreation, community facilities, historic preservation and similar elements, which may be incorporated into a comprehensive master plan document.

The master plan gives the Township the broad land use planning basis to control development and redevelopment within its borders. This is accomplished through the adoption of development ordinances which are designed to implement the plan's recommendations.

**MAJOR PROBLEMS & OBJECTIVES RELATED TO LAND DEVELOPMENT**

At the time of the adoption of the last Reexamination Report the major issue of land development in the Township was the proposed zoning for a continuing care retirement community (CCRC) on the Delbarton Campus. This was the only master plan amendment to emerge from the 2000/2001 Reexamination Report. The reexamination confirmed the appropriateness of the 1994

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Land Use Plan Element and amended and updated the maps for the Land Use Plan, Housing Plan and Open Space Plan to reflect changes since 1994. The 2001 Reexamination reaffirmed the goals and objectives of the 1994 Master Plan with particular emphasis on environmental protection and the maintenance of quality of life for Township residents. The 1994 Master Plan goals, as updated to 2001, are summarized 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. The residential character of the community is essentially established at this time. Except for the Delbarton CCRC, no shifts in the basic residential pattern were foreseen or advocated. 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 in-fill 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. (See *Recreation and Open Space* – p. 34 below for recent acquisitions)

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**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, 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 makes additional recommendations regarding the enhancement and the improvement of Township recreational facilities for public enjoyment.

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**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 the 2001 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.

This goal will remain in effect to maintain established patterns of density 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 infill basis. As noted in the 1994 Vacant Land Analysis, the remaining single-family development potential was limited by the fact that there were then fewer than 300 acres of remaining private vacant land. The supply has been reduced by more than 200 acres since then through Township open space purchases. In addition, the Mt. Laurel multi-family zonings and buildout which have occurred address the Township's current obligations for fair share housing. They also provide a surplus of 145 affordable units based upon the growth share calculations of the Township's 2005 Fair Share Plan submitted to COAH for substantive certification in December of 2005. Due to the lack of suitable developable land, the likelihood is that any future fair share housing obligations which the Township may have must be addressed through mechanisms other than multi-

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family rezonings. Such mechanisms may be through surplus units, rehabilitation, regional contribution agreements and other non-developmental methods which would be acceptable to COAH.

**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 infilling 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. (*See p. 33 Civic Design and Streetscape Improvements below*)

**Goal 6 - Improvement and Maintenance of the Existing Street System and the Development of Needed Arterial Routes**

This goal has been modified and needs to be restated in the Master Plan 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

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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. (*See p.30 Vehicular Traffic Circulation below*).

**Other Recommendations from 2001 Reexamination**

Other issues given attention as recommendations in the 2001 Reexamination Report include the following:

- A review and update of the Township's Fair Share Plan and Housing Element as certified by COAH. This was accomplished in 2005 by the Planning Board adopting a new Housing Element and Fair Share Plan which was transmitted to COAH by the Township Committee with its petition for substantive certification in December of 2005. Since then the Township has received only a request for some supplemental information, which was transmitted to COAH in 2006. At this writing, the Appellate Division of Superior Court has invalidated COAH's growth share formula. COAH's appeal of this decision to the N.J. Supreme Court was denied in June of 2007. The Appellate Division has extended the stay of the implementation of its judgment to December 31, 2007. Many municipal fair share plans along with the Township's are in a state of uncertainty. COAH has been required by the Court to revise its regulations to comply with

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the decision. No one knows at this time what these changes will involve.

- A continuation and expansion of the Township's open space acquisition program with the Morris Land Conservancy was also recommended in 2004, particularly for properties subject to development, wherever appropriate. The December 2004 report entitled "Open Space and Recreation Plan – 2004 Update" documented existing open space, public and private, in the Township. Two added acquisitions since this report, 17 Cedar Street and the Doremus property, are listed below as Township open space.
  
- Continuation of liaison and coordination with the State, County and regional planning efforts including State Development and Redevelopment Plan, the County Master Plan and Watershed Plan for the Whippany and Great Swamp Watersheds was recommended. The New Jersey Highlands Council now must be added to this list of regional agencies. The Township lies within the "Planning Area" of the Highlands Region as defined by the Highlands Act. In the draft Regional Master Plan, which has been published for comment by the Highlands Council, the Township is divided into three (3) overlay zones - the "Planned Community Zone", "Conservation Zone" and the "Protection Zone".

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- A review and update of the Township's population and employment data and demographic changes as reported by the 2000 Census was completed and adopted in the Master Plan by the Planning Board as part of the Housing Element and Fair Share Plan submitted to COAH in 2005.
- As a result of several applications for wireless communication facilities in the Township, the Planning Board had a draft Wireless Telecommunications Ordinance under consideration for adoption between 1999 and 2003. It was adopted in 2003.
- The Planning Board also recommended consideration of a number of other ordinance changes to Chapters 57 – Land Development and 95 - Zoning. These included the elimination of obsolete and conflicting ordinance provisions which were no longer applicable due to RSIS, an updated checklist for development applications, amendments for minor site plans and site plan waivers, deer fencing standards and provisions allowing cash contributions in lieu of on-site tree replacement. Amendments regarding site plans and site plan waivers were adopted. Deer fencing standards were rejected. The remaining items are carried forward for further consideration.
- Reduction in the extent of maximum impervious site coverage in the I-21 and B-11 Zone Districts from seventy-five (75%) percent to sixty-five (65%) percent to minimize non-point source pollution and

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to be more consistent with the 50% to 65% limitations in the OL Zone Districts was also considered but not adopted.

- To improve traffic circulation and reduce congestion several intersections were recommended for study of possible improvements. These studies have not been made and are recommended again in the Vehicular Traffic Circulation section of this reexamination report. These include:

- the addition of a longer right-turn lane on Hanover Avenue and Whippany Road southbound to relieve congestion on Hanover Avenue eastbound at peak commuter hours;
- the addition 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, particularly for tractor-trailers;
- traffic survey of stub streets and deficient width cul-de-sacs to improve access by municipal and emergency service vehicles.

- To 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.

**EXTENT TO WHICH PROBLEMS & OBJECTIVES HAVE BEEN REDUCED OR HAVE**

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**INCREASED**

The Township has followed a two-tier approach to monitoring and updating its land use regulations and practices:

- (1) Periodic reexaminations of the Master Plan and the land development regulations;
- (2) On-going, real time review of related problems and issues as they arise

In this regard since the 2001 Reexamination Report was adopted, there have been various analyses of problems and issues as well as numerous regulatory and zoning amendments as envisioned under this two-tier process. These actions have fallen into the following general categories:

- Major planning studies and analyses
- Zoning map changes/amendments
- Zoning & land development ordinance amendments other than map changes

**Major Planning Studies and Analyses**

The following major planning work has been undertaken since the 2000/2001 Reexamination Report was issued. Some it grew out of the Reexamination Report recommendations. Other aspects emerged from the Township's on-going planning process.

1. The Township prepared and submitted to COAH its revised Housing Element and Fair Share Plan in 2005. This plan was based upon COAH's growth share formula which has since been invalidated by the Appellate Division of New Jersey Superior Court. COAH has been directed by the

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Court to revise its regulations by December 31, 2007 to comply with the decision. As noted above, COAH's appeal to the Supreme Court has been denied. At this time it is not known what changes COAH will propose to the regulations and the extent of work that will then be required of the Township to meet the new regulations. As a matter of general prudence, and to protect the Township's large low and moderate income housing surplus, the Planning Board continue to recommend the adoption of a development fee ordinance. The Planning Board also recommends that the Township continue to monitor developments relating to the COAH litigation.

2. A major analysis of wireless telecommunications facilities and ordinances was made by the Planning Board and its professional staff, beginning in 1999 and extending past the adoption of the 2000/2001 Reexamination Report. This ordinance was finally adopted in March of 2003 as is described below. Based on its review of multiple wireless applications since then, the Board of Adjustment has requested additional review of the ordinance by the TCC and the Radio Frequency Consultant to ensure that it is current with the latest technology. An amendment to permit tree camouflaging, where appropriate, is also recommended.
3. The Engineering Department, in consultation with the Board's TCC, continued consideration of the Great Swamp Model Stormwater Management Ordinance regarding total runoff controls as recommended by the 2000/2001 Reexamination. The final Stormwater Control Ordinance

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was adopted as part of Chapter 57, Land Development in September 2005.

4. After several years of concentrated effort the Township received approval of its Wastewater Management Plan (WMP) from NJDEP on November 21, 2006.

**Zone Map Changes/Amendments**

1. In August, 2002, the Township Committee adopted the CCRC Ordinance for the St. Mary's Abbey/Delbarton Campus. This ordinance fulfilled a major recommendation of the 2001 Reexamination. Subsequent to its enactment, zoning litigation was filed against the Township and St. Mary's Abbey. The law-suit was successfully defended and a site plan for the proposed CCRC development was approved by the Planning Board. Following that approval, the same plaintiffs challenged the Board's site plan approval which was also successfully defended. Now NJDEP's denial of certain permits for the project is being challenged in the courts.
2. The Planned Retirement Community Zone was remapped by the Township Committee in September 2006. Previously, the zone was referred to as the Nursing Home, Assisted Care, and Assisted Living Zone. It permitted only residential health care facilities. The zone name change was accompanied by the addition of age-restricted 55+ housing as a permitted use. This use change by the Township Committee allowed the Planning Board to grant site plan approval to a small, age-restricted townhouse community on the former Good Shepherd Convent site at Kahdena Road and Deborah Drive.

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This approval replaced an approval granted for a Kessler Assisted Care Facility granted in the late 1990s. Kessler never built the facility due to apparent long-range adverse market conditions.

**Zoning & Land Development Regulations Other Than Map Changes**

Under its practice of on-going review and refinement of its land development and zoning regulations, the Township also enacted the following:

1. During consideration of the Township's Wastewater Management Plan (WMP) the NJDEP referred three (3) ordinances to the Township for review and adoption as a condition of NJDEP approval of the WMP. These ordinances, adopted as a trilogy by the Township Committee in September 2005, are entitled:
  - \* Stormwater Control
  - \* Riparian Buffer Conservation Zone (RBCZ)
  - \* Threatened and Endangered Species

The latter ordinance updates submission guidelines to prepare environmental impact statements. These ordinances are considered to be land development design standards by the Board and its professionals although the RBCZ regulations contain some traditional zoning terminology. Enforcement and interpretation of the ordinance are the responsibility of the Township Engineer.

2. During review of several development applications by the Board's Technical Coordinating Committee (TCC) it became apparent that the site plan requirements of Chapter 57 needed to be updated with provisions for zoning permits and the granting of site plan exceptions and waivers by the Board. To those ends, the

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ordinance was modified in July 2001, just before adoption of the last reexamination.

It was subsequently modified in December 2006 to exempt homeowners from the need to hire a licensed professional to draw accessory buildings or structures on their existing survey.

3. Along with the remapping of the Planned Retirement Zone, the Township Committee adopted new regulations permitting age-restricted housing and added appropriate development standards for that use.
4. After considerable study by the Planning Board's Technical Coordinating Committee, amendments were made to Section 95-36. Accessory Uses and Structures. regarding recreation facilities accessory to residential uses and standards pertaining to fences and walls.
5. Following the lengthy study of wireless telecommunications facilities, the Planning Board recommended and the Township Committee adopted an ordinance regulating wireless telecommunications facilities as a conditional use in the OL-40, OL-15, OL-5, I-21 and OSGU Zones. The 2003 ordinance includes siting, lot area and location standards along with height limitations for wireless towers and facilities.
6. Article 7, Performance Standards Section 95-48D. Noise. was amended in 2003 to include the New Jersey State Noise Performance Standards.
7. In 2002, Section 95-68.1 Expiration of Variances. was added at the recommendation of the Board of Adjustment to provide standards for variances to expire if not acted upon in a timely manner.
8. The ordinance regulating affordability controls for the resale of lower income

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housing was amended in 2005 to provide that these controls must remain in effect for at least thirty (30) years from the date of initial sale and for thirty (30) years from the date of each subsequent resale of any low and moderate income housing unit that is resold during the thirty-year period following the date of initial sale.

9. An ordinance proposing to regulate the maximum size of houses was drafted by the Technical Coordinating Committee and submitted to the Township Committee for consideration. The ordinance received extensive public comment at several public hearings conducted by the Township Committee after the ordinance was introduced. There was no consensus or agreement on the type of ordinance which should be adopted.

**EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS , POLICIES AND OBJECTIVES OF THE MASTER PLAN AND DEVELOPMENT REGULATIONS**

Certain external factors have required the Board to revisit the assumptions and policies underlying the current Master Plan. These factors include:

- Preliminary State Development and Redevelopment Plan
- Draft Highlands Regional Master Plan
- NJDEP Water Quality Planning Rules
- Office of Smart Growth (OSG) Master Plan Endorsement Rules
- Proposed Zoning Changes – Town of Morristown

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Each of these factors, individually or in combination, could impact the Township's planning process and objectives. The following section of this report deals with those issues.

**Preliminary State Development & Redevelopment Plan (PSDRP)**

The PSDRP is now undergoing the process known as "Cross-Acceptance". As part of its participation, the Township has submitted various comments to the Morris County Planning Board which is the negotiating entity for Morris County municipalities. In that capacity, the County presents certain recommendations regarding changes to the PSDRP. The Township submitted its recommendations to the State through the County Planning Board. The State responded as follows:

- Township Recommendation – Changes should be made to the State Plan to clarify and refine what objective standards are to be used to evaluate local land use consistency with State Plan statewide goals, strategies and policies. Without revision, the current format leads to endless subjectivity and opinion regarding coordination of State, County and local plans.

*State Response: disagree*

"New Jersey is an extremely diverse state. Consistency with the State Plan is broadly defined in the State Planning rules to address the many types of communities found throughout the state and the many different planning imperatives that must be considered. Consistency is interpreted to mean consistent with the goals, policies and strategies of the State Plan as well as the policies that apply to each planning area. The definition is adequate to

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provide guidance to both municipalities and to the State Planning Commission to assess consistency.”

- Township Recommendation – Delineation criteria for Planning Areas must be refined and articulated to reflect the State’s diversity of counties and municipalities. Once this has been accomplished it could be more likely that a consistent application of planning areas be achieved statewide. Definitions of centers are too limited and inflexible to reflect the desirable planning objectives of special purpose centers such as CCRCs.

*State Response: Disagree*

“The current state plan and a resolution passed by the State Planning Commission identify objective standards for existing planning areas. Each planning area is sufficiently defined. They are not intended to be highly specific in order to allow for enough flexibility within each planning area so that its unique requirements can be addressed.”

**Highlands Draft Regional Master Plan (DRMP)**

In May 2007 the Township Engineer, submitted comments regarding the DRMP. The Township lies within the “Planning Area” of this plan. Other areas of the Highlands Region lie within the “Preservation Area”. In the Preservation Area the Highlands Council rules are mandatory. In the Planning Area the municipality may voluntarily “opt in” and place itself under the preservation area rules. In summary, the issues raised in the Township’s response to the DRMP are as follows:

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- Underlying data for the DMRP which support its policies and regulations are not yet available for inspection.
- The Highlands Region, as drawn, is based on political boundaries and not on scientifically supported boundaries related to water resources.
- The DRMP must provide for transfer of development rights (TDR). No funding exists to run this program. The original funding of a water use tax was defeated by the legislature.
- If a municipality opts in to the DRMP it will be provided draft ordinances to implement Highlands Council rules and requirements. Will all these ordinances be mandatory?
- If the Township does not opt in to the DRMP will this have a negative effect on its ability to obtain necessary State permits and aid?
- While the Highlands Act is written to provide home rule by the opt in procedure, NJDEP intends that any project for a Highlands municipality will be subject to the DRMP when it is adopted regardless of whether it is in the planning or preservation area.
- The original intent of the Highlands Act was to exempt certain activities such as building a garage, deck and a pool from the provisions of the Highlands legislation. These activities are not exempt from the DRMP if any wetlands permits are required.
- The prohibition on development in the preservation area precludes virtually all meaningful growth in the affected municipalities.

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Municipalities in the preservation area have already experienced zero growth for a year or more. What provisions for tax stabilization are to be made to avoid serious municipal fiscal distress?

**Proposed NJDEP Water Quality Rules**

In another bureaucratic initiative, the NJDEP has published a set of water quality rules which would affect more than 900 miles of rivers, streams and tributaries in the State. These streams would be classified as Category 1 and be subject to 300-foot buffer requirements on either side of the stream. Although approximately 250 of the 900 miles of streams affected lie within the Highlands, review of the proposal on the NJDEP website indicates that no streams or tributaries within Morris Township are affected by these regulations. What remains to be determined is whether the Township's planning area designation as part of the Highlands Region will bring with it 300-foot buffer requirements under the proposed DRMP or other related environmental initiatives.

**Zoning Changes Town of Morristown**

Review of the proposed draft Morristown Zoning Map and Schedule of Bulk Requirements indicates that the Town seeks to increase the permitted densities for single-family houses in its R-3 Zone which adjoins Morris Township in several locations along Morristown's western, northern, eastern and southern borders. The change in density occurs because the proposed lot area and width requirements are modified as follows:

- Minimum lot area to be reduced from 9,300 square feet to 7,500 square feet
- Minimum lot width to be reduced from 75 feet to 60 feet

Initial review indicates that these areas are predominantly developed. However, the

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reduced lot area accompanied by a lesser lot width, indicates a potential for intensification of development through infill development on smaller lots. Resubdivision of larger parcels is also possible where the size of lot and placement of an existing house allow a new lot to be created.

The existing RT Zone which adjoins Morris Township along part of Morristown's northerly and southerly boundary with the Township is being divided into the RT-1 and RT-2 Zones. The RT-1 Zone permits only single and two-family houses. The RT-2 Zone will allow 1-, 2-, 3- and 4-family houses. All the proposed RT-2 Zones lie within central Morristown. The proposed RT-1 Zones, where only single and two-family dwellings are to be allowed, adjoin Morris Township along Martin Luther King Avenue and Evergreen Cemetery, along Western Avenue and along Mt. Kemble and Wetmore Avenues. The RT-1 Zone requires 6,250 square feet for a single-family house and 8,400 square for a two-family house. Minimum lot widths are 50 feet and 70 feet respectively.

The Town's comprehensive zoning review extends back to a 1999-2003 review of its Master Plan. The review is documented in a memorandum dated April 3, 2007 to the Town's administration from its professional staff. It is recommended that the TCC review these zoning changes for potential impacts on the Township.

One of these changes has been highlighted in the report of the Town of Morristown Environmental Commission dated May 17, 2007 to the Town of Morristown's Planner, Michael D'Altilio. This memo describes the current Morristown proposal to rezone certain properties on Degan Lane (off of Woodland Avenue) which comprise headwaters of the Loantaka Brook. The area is proposed to be rezoned to R-3 and RG (Residential Garden

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Apartments) from R-2, Single-family Residential. As noted above, the new minimum R-3 lot sizes are to be 7,500 square feet and 60-foot widths. The RG District would permit two-story garden apartments on 1-acre lots at a density of 2,800 square feet of lot area (15.5 units per acre) and also allow 1-family through 4-family dwellings subject to the RT-1 and RT-2 District requirements. This area lies to the north of South Street between Parsons Village and the Township's line. The concern of the Environmental Commission's report is the impact of denser development on Loantoka Brook. Its headwaters arise in Morris Township between Madison Avenue and Woodland Avenue flowing south past Woodland Elementary School. The brook crosses Woodland Avenue between the Ginty playing fields and the Township Municipal Building and Police Headquarters. Flooding in this area is an additional concern of the Township.

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**MASTER PLAN ISSUES/TOPICS**

The following issues and topics have been raised in Reexamination discussions by the Planning Board and its Technical Coordinating Committee:

**General Issues**

The Master Plan should include goals and policies for:

- a pro-active, strategic vision and a “greening” of the Master Plan
- municipal planning in the context of significant uncertainty about future municipal powers and ability to effectuate local land use controls
- the problems of planning for a diverse community where no one size fits all.
- need for good communications with the public and residents of the Township.

**Zoning Issues**

During the course of this reexamination the following zoning issues have been raised and discussed among the Board and its professionals. These issues are summarized below:

- Zoning Map Review – For a number of months the Township Engineering Department has been updating in digitized form the existing zoning map and making corrections, showing prior map amendments and reviewing it for boundary and lot line inaccuracies. This review should be accomplished as part of this reexamination report process and

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referred by the Planning Board to the Township Committee for adoption.

- East Hanover Avenue Frontage Between Ridgedale and Martin Luther King Avenues – This area appears to be entering a transition phase with some pressure for change i.e. the vacancy of the old PNC Bank and the termination of the Pagano’s scrap metal yard. The Agway site is also an older development which lacks modern site plan standards and may be a candidate for future development or redevelopment applications. Changes may also be anticipated in Hanover Township on its side of the roadway due to vacant land and vacant office space.
- Rezoning of Ridgedale Avenue – The present Ridgedale Avenue corridor from the Morristown boundary at the railroad right-of-way to the intersection of East Hanover Avenue on the north has developed and redeveloped with automotive dealerships and other automotive related land uses such as a car wash and school bus storage site. The zoning of this area should be reviewed to determine if I-21 Industrial District, which is the present zoning configuration, should be changed or adapted to better reflect the specific bulk and dimensional characteristics of the predominant automotive uses.
- Age-restricted Housing – Age-restricted housing (55+), also known as active adult communities, has been a popular form of multi-family housing to meet elderly housing needs during the past 5 to 10 years due

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to the absence of any educational costs associated with it. Considering this, the Board should examine whether this type of zoning should be planned for as a replacement or alternative to outdated and obsolete land uses.

- 250 James Street, Block 7101, Lot 1 The Board has heard a proposal by James Street, LLC, owner of the property at 250 James Street, Tax Block 7101, Lot 1, for redevelopment of that parcel for non age-restricted townhomes at a gross density of approximately 4 to 4.5 units per acre. The total tract contains approximately 23.4 acres and is currently zoned OL-15. This property is bisected by the Great Brook and impacted by freshwater wetlands and wetland transition areas. Studies indicate that residential redevelopment would result in significantly less total impervious coverage than is currently permitted under the OL-15 zone and would result in less than 0.07 school-age children per unit. The Board recommends that this site be favorably considered for rezoning to allow residential townhouse development, and that the permitted parameters for development be detailed more specifically in an amendment to the Master Plan and a proposed zoning ordinance.
- Columbia Turnpike Triangle (Columbia/Whippany Road/Lindsley Drive) – This area is currently zoned residential. Over the years various concepts for its redevelopment in some type of non-residential, higher density residential or mixed land uses have been presented to the

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Township. The primary issue is whether residential zoning continues to be appropriate due to the very heavy peak hour traffic at this intersection.

Another zoning issue which should be looked at is the proposal of a suites extended-stay hotel at the rear of the Westin Governor Morris site on Lindsley Drive.

- Appropriateness of Lot Sizes and Bulk Standards – As part of the final zoning map review it is recommended that the various residential zone designations be reviewed to determine if there are any problem areas which should be readjusted due to changed circumstances. Under this area of review it is proposed to examine setback standards in all zones to assess whether it would assist in the control of knock-downs and replacements of larger homes. Also, an evaluation of the existing buffer/setback standards between residential and multi-family and residential zones and all other zones to protect the more sensitive uses should be made. Another item to be clarified in the zoning map will be a notation of approved cluster subdivisions to indicate that the cluster bulk and lot size standards apply. Increased setbacks for residential zones which front on major State and County arterial routes should also be examined to better protect these homes from the impacts of increased traffic volumes and congestion. The Board acknowledges that the Superior Court, Law Division recently judicially re-zoned a 1.5 acre portion of a 4.7 acre parcel having frontage on Doe Hill Road from RA-

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130 (3-acre minimum lot area) to RA-35 (35,000 square foot minimum lot area). The Township has appealed that decision to the Superior Court, Appellate Division. Given the strong and long-standing policy favoring low density development in the Washington Valley area, in which the subject parcel is located, the Board recommends no change in lot size requirements on Doe Hill Road. As was recommended in the 2001 Reexamination Report, the reduction of maximum impervious cover in the I-21 and B-11 zones from seventy-five (75%) percent to sixty-five (65%) percent is carried forward in this report. A review to reduce residential lot coverage limits is also recommended.

- **Buffer Requirements** - Currently, the Township regulates buffers by Section 57-115. *Buffer Zone Requirements*. This section is part of the Land Development chapter. As such, deviations from the ordinance are treated as exceptions not variances. This section should be reviewed to better define what is meant by a buffer and to set forth their purpose, planting standards and maintenance requirements. Also, consideration should be given to including these regulations as zoning standards requiring variances when there is non-compliance. This would increase the standard of proof for applicants to meet.
- **Tree Removal Ordinance** - The Board of Adjustment and the Environmental Commission have recommended that the Planning Board review the exemption of homestead lots from the ordinance

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requirements.

- **Airport Safety Zone** - In January of 2007 the TCC reviewed a request from the Airport Advisory Committee of the County Freeholders. Morris Township is one of six (6) municipalities which have land within airport safety zones. The TCC review found that four (4) lots in the Township, including Blue Gate open space, were within the Morristown Airport runway end subzone. The zone must be shown on the Township's Zoning and Tax Maps and the Land Use Element of the Master Plan. In the area within the Township the zone permits open space uses and single-family dwelling units on three (3) acre lots.

**Vehicular Traffic Circulation**

- **Regional Traffic Issues** – The Township is participating in the regional traffic study being sponsored by the Southeast Morris League for Strategic Solutions (SEAMLESS). The intersections in the Township to be analyzed are E. Hanover Avenue at Whippany Road and the Route 24 on-ramp; Madison Avenue and Normandy Parkway; and, Madison Avenue and Punchbowl Road. This study arises from the large-scale office development planned for the former Exxon property in Florham Park. Other potential regional developments which the Township should monitor are the possible 700,000 square foot expansion of office space in Giralda Farms and potential future redevelopment of aging

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office and industrial sites in Hanover Township along E. Hanover Avenue between American Way and Ridgedale Avenue.

- East and West Hanover Avenue – Improved traffic flow on this street should be restudied as it is an important arterial route which bypasses downtown Morristown. Issues to be studied to minimize congestion and encourage improved traffic flow include intersection improvements and signal timing at Speedwell, Ridgedale, and Martin Luther King Avenues, and American Way. Improved multi-lane access to Route 24 eastbound and an improved right-turn access to Whippany Road southbound at the Beard School should be considered. A dedicated right-turn lane with a large turning radius for tractor-trailers is recommended for southbound traffic at the intersection of East Hanover and Ridgedale Avenues. The Township must coordinate any future improvements at these points with Morris County which has jurisdiction over all these roads except Ridgedale Avenue.
- Madison Avenue Traffic Improvements – Consideration should be given to signalizing the Punch Bowl Road intersection, which is now stop sign controlled, to enable left turns onto Madison Avenue. The signal timing at Normandy Parkway should be reviewed to reduce congestion on Madison Avenue. The alignment of the intersection with Canfield Road should also be studied for possible improvements.
- Other Traffic Circulation Concerns – The Cory Road/NJ Transit bridge,

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plus the light at Speedwell Avenue, create backup into the Township along Cory Road during the P.M. peak hour. Improvements are needed at the Burnham Road/Lake Road intersection to better indicate that Lake Road is the through street. Consideration should be given to improving the sight distances and sharp curves on Washington Valley Road where feasible. Intersections of Mendham Road with Washington Valley Road and Indian Head Road should be studied for possible safety and sight distance improvements. The intersections of Lake and Inamere Roads and Gaston and Washington Valley Roads should also be analyzed for safety and operational improvements.

**Pedestrian Circulation**

- **Sidewalks** – A sidewalk priority program to include sidewalks, where practical, on all arterial and most major collector roads should be initiated. Construction of sidewalks should be prioritized for: Madison Avenue, Normandy Parkway, Whippany Road (near Frelinghuysen Arboretum), Park Avenue (near Blue Gate Farm), Ridgedale Avenue, East Hanover Avenue between Martin Luther King and Ridgedale Avenues, and West Hanover Avenue west of Burnham Road, and Columbia Road (from Whippany Road to Twin Oaks recreation complex).
- **Bikeways and Trails** – Review and update of the Master Plan should include a review of the open space and the bikeway trail system in the Township to link acquired open space and existing bikeways with

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neighboring towns (e.g. Madison and Morristown). A link from the arboretum to the Traction Line right-of-way should also be considered.

**Civic Design and Streetscape Improvements**

- **Civic Design Elements and Streetscape Improvements** – The Township’s major arterials and commercial corridors (i.e. Speedwell, Hanover and Ridgedale Avenues) should be considered for a civic design and streetscape improvement program. An improvement program for Speedwell Avenue has begun. Such programs have been coordinated by municipalities working with local merchants and businesses to plan and implement the improvements. These could include consistent storefront design and signage, street trees, street and façade lighting, public art, plantings and street furniture such as planters, tree grates, benches and other design features.

**Recreation and Open Space**

- **Acquired Open Space** – The planning objective is to ensure that all acquired open space is used in some way for active or passive recreation. An example would be the recently acquired Blue Gate Farm on Park Avenue. A goal would be to have all usable open space easily accessible for hiking. Also, the analysis for active open space planning in the 1994 Master Plan of one-half mile radius for park and one-quarter mile radius for mini-parks should be re-evaluated. In

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particular, the increased demand for active recreation, especially soccer fields, should be considered.

To advance **Goal 1 – Preservation of Residential and Open Space Character of the Community** - The Township Committee, since 2000, has acquired the following parcels of open space using the Township Open Space Trust Fund and monies from the Morris County Open Space and Farmland Preservation Trust Fund and New Jersey Green Acres Grant Funds:

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<u>Year</u>	<u>Resource Value</u>	<u>Block/Lot</u>	<u>Property Name</u>	<u>Acres</u>
2000	Watershed land Washington Valley	3203/18	Washington Valley	18.00
2001	Great Swamp Steep slopes	5101/1	Jockey Hollow Top (VI)	58.21
2001	Community Landmark	9701/1.01	Blue Gate Farms	14.00
2002	Great Swamp Steep slopes	5004/9	Deer Haven	23.32
2003	Access to trails Washington Valley	3703/2&5 Lupo		7.84
2004	Water recharge, passive recreation & access to trails	3601/12.01	Spence	17.00
2004	Playground improvement	10304/16	17 Cedar Street	0.23
2005	Passive recreation & access to trails	3601/5.02	Doremus	5.39
<b>TOTAL PRESERVED ACREAGE SINCE 2000:</b>				<b>143.99</b>

Nearly twenty (20%) percent or 1,961 acres of Morris Township's 10,128 acres are protected as open space. This includes Federal, County, and municipal preserved land as documented in the Township's Recreation and Open Space Inventory (ROSI). County parkland, which includes Loantaka Brook Reservation, the Traction Line Trail, Frelinghuysen Arboretum, Mennen Sports Arena, Patriots' Path, Fosterfields, Lewis Morris Park, and the Washington Valley natural area holds

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1,395 acres or 71.1% of the total. There are 74 acres of Federal land, or 3.8% of the total, in Morristown National Historic Park. The remaining 492 acres or 25.1% is in Township open space. A detailed breakdown of all Township open space parcels is included in the ROSI which is included herein as Appendix A – Recreation and Open Space Inventory.

- Recreation Activities and Needs – The Township’s Director of Parks and Recreation, working with the Recreation Advisory Committee, has compiled a report indicating deficits in nearly all types of recreational sports facilities to meet regional demands. More specifically, it recommends construction of new turf facilities for football, soccer, lacrosse, baseball, and softball. The report indicates that these facilities would be most effectively and efficiently maintained as multi-field complexes.

The existing 1994 Master Plan focuses on parks, playgrounds and open space located within the four (4) neighborhood quadrants of the Township. While this approach assists in planning for neighborhood level services, the plan should be updated to address accelerated interest in recreational youth and adult sports and the adequacy of existing Township facilities to accommodate trends for year-round sports, higher intensity of use, and the regionalized nature of independent user groups. Also, the plan should analyze opportunities for County and surrounding municipality partnerships to alleviate user demand.

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Modernization is also recommended for neighborhood park facilities to allow opportunities for multiple activities of family recreation simultaneously and for upgraded park features such as, tennis and basketball courts, walking paths, exercise stations, ball walls, spray fountains, and sanitary facilities.

Other areas of recreational needs which should be addressed include possible renovations to the Ginty and Streeter pools, along with emphasis on pathways, bikeways and trails and indoor recreational needs for programs sponsored by the Township.

**Fire/Emergency Access Issues**

The Township Fire Department has expressed concern that there are certain developments served by cul-de-sac streets which may be difficult to access by fire, police or rescue squad vehicles. Specifically, the concern relates to neighborhoods which have a single means of access via a cul-de-sac or dead-end street. These areas should be reviewed to explore any solutions offering an alternate means of access if the primary means becomes blocked through a natural or manmade occurrence.

**Intermunicipal & Regional Impact Management**

The Board, in conjunction with the Township Committee, should consider and explore ways to improve interagency coordination related to the broad issues of municipal planning, development impacts, and redevelopment initiatives. Such

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initiatives might include a regional planning group, Chamber of Commerce and other similar programs. The Township should consider setting up a business/community relations program to improve the marketability of the Township's benefits and resources and to minimize the impact of market changes and shifts affecting businesses in the community.

**Essential Service Maintenance Facilities – B-11 to RB-7 Zone Change**

Recent interest by the Town of Morristown in locating a public works facility on a parcel on Martin Luther King Avenue in the B-11 Zone has highlighted the desirability of both (a) rezoning from B-11 to RB-7 the properties identified as Tax Block 10312, Lots 1 and 2 (“Lots 1 and 2”), and (b) further clarifying that a storage facility, such as a public works yard or garage, is not, as Morristown has asserted, an “essential service” within the meaning of Morris Township’s Land Development Ordinance.

Lots 1 and 2, located on the southbound side of Martin Luther King Avenue between Emmett and Erin Avenues, in close proximity to the Morristown border (a small area of Lot 2 actually lies within Morristown) is surrounded by existing one and two-family residential areas zoned RB-7 on all sides. Nearby areas in Morristown are also zoned residential RT-1 one and two-family Residential. Because of their surroundings, the most appropriate use for Lots 1 and 2 is residential. Any future redevelopment should be residential in character. Rezoning to RB-7 is

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consistent with this planning determination. Any proposal to enlarge, alter or modify the previous use as a telephone system maintenance and storage facility of the now-vacant existing building on Lot 1 should require relief under N.J.S.A. 40:55D-70.d.

Under Morris Township's zoning ordinance, essential services are a conditionally permitted use in nearly every zone, including all zones for detached single family residential use. If "essential services" were construed to include public works facilities that store, maintain and repair construction and maintenance vehicles, equipment, and supplies, then the current zoning ordinance would permit widespread dissemination of intense, visually undesirable, incompatible outdoor storage uses throughout the Township, including particularly within areas zoned for detached single-family residential use. This certainly was never the intent of the Master Plan.

The definition of "essential service" in Ordinance Section 57-3 does not support the notion that a public works facility constitutes an "essential service" under the Morris Township Land Use Ordinance. The definition reads:

The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground, surface or overhead gas, electrical, steam or water transmission systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, light stations, telephone lines, hydrants and other similar equipment and accessories herewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare. "Essential services" shall include firehouses or stations and first aid and emergency aid squads. Requirements for underground utilities shall be subject to requirements of the Public Utility Commission as well as other municipal ordinances where

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appropriate. [Ordinance Section 57-3]

Essential services are the poles, wires, pipes and other improvements needed to supply gas, electric, water and sewer services to the community. Essential services also expressly include fire and first aid stations. Essential services do not include storage facilities for the vehicles, equipment and supplies needed to maintain, repair and replace the physical improvements comprising the essential service systems themselves.

In light of the current “essential services” definition, there is no need to change Master Plan policy or intent regarding what constitutes an essential service and or where essential services should be allowed. Given, however, the importance of clarifying the Master Plan policy of avoiding the location of grossly incompatible uses in the same zone, particularly intense outdoor storage uses such as a public works facility in a residential zone, the land use ordinance should be amended to clarify the difference between “essential services” on the one hand and “essential service maintenance facilities” on the other.

In order to clarify the current provisions of the Township’s Zoning Ordinance the Master Plan should be amended to distinguish between “essential services”, as defined in §57-3 Land Development, and maintenance facilities comprising buildings and equipment to store, provide, maintain, repair, install or replace such essential services. Examples are public utility installation facilities such as communications and utility equipment and storage, public agency storage yards and similar uses conducted by non-profit and for-profit entities. It is the intent of this Master

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Plan amendment that such facilities be limited to properties within the Township's industrial zone. Historically, the I-21 Industrial Zone has permitted outdoor storage as a conditional use. It is the appropriate zoning classification for this type of use. Further, the I-21 Zone contains other storage dependent land uses such as car dealerships, outdoor sales and storage of landscaping materials and supplies, concrete products and live plant material, and other uses such as landscape contractor yards and heavy equipment companies. It is also recommended that a clarifying definition of "essential service maintenance facilities" be included in Chapter 57 to read as follows:

"Land, buildings and/or other structures used for the storage, maintenance and/or repair of vehicles, equipment and/or supplies which are used for the provision, construction, installation, maintenance, repair and/or replacement of any essential service as defined in this Chapter."

Chapter 95, §95-25A. should also be amended to add a new permitted use of "essential service maintenance facility" consistent with this Master Plan recommendation.

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**CONCLUSIONS**

After a thorough review of the Township's Master Plan and its development regulations, as amended and reexamined, the Planning Board has concluded that the fundamental planning and zoning framework of the municipality remains sound. As it has noted in this report, there are a number of areas where further studies and analyses should appropriately be done to address current and emergent planning and zoning issues. These have been enumerated in this report. The Board is also cognizant of regional and State planning initiatives which are expected to influence local planning significantly. In the face of these external factors the Board is of the opinion that its most effective and prudent approach to the Township's planning process is to prioritize and update those areas of concern identified in this reexamination review without preparing a new master plan.

The Board intends to focus on and select priorities through an ongoing planning process with its professional staff, the Township Committee, and the residents of the Township. In furtherance of this approach it intends to revisit the Master Plan goal statements and better link these statements to the individual master plan elements and the accomplishments achieved under each related goal.

Among the near term objectives which the Board seeks to achieve are the updating of the Township Zoning Map, which is being completed in digitized form, and the updating of the various Master Plan maps for each element e.g. land use plan element, open space element, community facilities element etc. Another near term target is the adoption of a Master Plan amendment

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concerning the James Street LLC property to change its permitted use from OL-15 Office Laboratory to townhouse multi-family as recommended by the Planning Board.

The Board also believes that land use planning studies for the Township's three (3) major business areas along, East Hanover, Ridgedale and Speedwell Avenues should be done to examine these areas more closely, particularly in light of such factors as:

- Increased traffic congestion
- obsolete and vacant uses along Hanover Avenue
- change in land use characteristics on Ridgedale Avenue to primarily automotive uses
- streetscape improvement needs along Speedwell Avenue.

The Board also intends to undertake a community visioning process with respect to its open space and recreation needs and to determine a broader planning context with respect to the "greening" of the community, its conservation and environmental protection elements and the wide variety of active and passive recreation pursuits enumerated in this reexamination report which are desired by its residents.

As the Board works through the various issues and analyses illuminated in this reexamination review it intends to set and adjust priorities for future work and set benchmarks for implementing the goals and objectives of the Master Plan.