
Township of Green

Sussex County, New Jersey

Master Plan Reexamination Report



February 13, 2025

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INTRODUCTION

The Municipal Land Use Law (C.40:55D-89) requires a general reexamination of its master plan and development regulations by the planning board. The reexamination report should include:

- 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 reviewed with particular regard to density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives;
- d. the specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared; and
- e. the recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, C.79(C.40A:12A-1 et al.) 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.

Additionally, pursuant to 40:55D-93, each time the municipal master plan is reexamined, the storm water control ordinance and storm water management plan must also be reexamined and revised as needed.

EXECUTIVE SUMMARY

Founded in 1824, Green Township is located in the southwestern corner of Sussex County, surrounded by Andover Borough and Andover, Byram, and Fredon Townships in Sussex County, and Allamuchy and Frelinghuysen Townships in Warren County. The 16.5 square mile Township contains several villages: Greendell, Huntsville, Tranquility, and Huntsburg. County Routes 519, 603, 611, and 517 traverse the Township, with County Route 517 providing direct access to Interstate 80 in Allamuchy Township. Aside from a ridge forming the southeastern border with Byram Township and some scattered glacial topography, the Township's rolling hills and generally flat valleys are well-suited for low-density residential and agricultural purposes.

Green Township has been a predominantly rural and agricultural town for two centuries, since its incorporation in 1824. However, its proximity to Interstate 80 and State Route 206, has resulted in a demand for single family residential neighborhoods in the community.

The most recent Master Plan Reexamination Report was completed in 2018, which followed a Reexamination Report in 2008. The last completed Master Plan was from 2003 with a Land Use Element update following in 2005. The 2018 Reexamination Report focused on major problems and objectives relating to land development in the municipality. It also addressed demographic changes, specific master plan changes including an updated goals and objectives list, and a list of specific ordinance changes.

This Master Plan Reexamination Report recommends an update to the Master Plan and Land Use Element and is proposed in conjunction with both, along with a Climate Change-Related Hazard Vulnerability Study. As part of the Master Plan update, this Reexamination Report also recommends significant updates to the Township's Land Development Ordinance.

REEXAMINATION OF GREEN TOWNSHIP'S MASTER PLAN

A. The last Reexamination Report was the Reexamination Report and Master Plan Revision adopted by the Planning Board in December 2018. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report were:

2018 PROPOSED MASTER PLAN CHANGES

1. Statement on smart growth in Land Use Element

The New Jersey state legislature passed P.L. 2017, c.275, a law requiring the land use element of a municipal master plan to include a statement of strategy concerning smart growth, including the consideration of potential locations to install electric vehicle charging stations; storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure; and environmental sustainability. The law took effect on January 8, 2018. This statement was included in the updated Master Plan Goals and Objectives below.

2. Stormwater Management Plan

Changes to the State requirements regarding municipal stormwater management plans were anticipated to occur in 2019-2020. The prior reexamination report recommended that Green Township should review and revise its Stormwater Management Plan to reflect State standards.

3. Airport Safety Zones in Land Use Element

Pursuant to N.J.S.A. 40:55D-28(b)(2), the Land Use Element of the Township's Master Plan must show the "existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the 'Air Safety and Zoning Act of 1983,' P.L. 1983, c. 260 (C.6:1-80 et al.)". At the time, the reexamination report recommended updating the airport zones in the Township Master Plan.

4. The 2018 Reexamination Report Updated Master Plan Goals and Objectives as follows:

1. Avoiding adverse impacts on the local environment and adopting planning and zoning measures that will protect sensitive wetlands, steep slopes, potable ground water supply, and flood prone areas.
2. Preserving to the greatest degree possible the established character and physical amenities of the Township through careful land use planning.
3. Recognizing and planning for the needs of local residents through the study of demographic conditions.
4. Providing adequate housing facilities meeting minimum standards of health and safety to satisfy the needs of all income groups, especially low and moderate-income households.
5. Establishing an adequate system of roads and providing for the safe and efficient movement of traffic through and throughout the Township.

6. Providing for the physical and mental health of local residents by establishing ample recreational outlets and an adequate system of parks, recreation areas, and open spaces.
7. Preserving the local heritage by protecting farmland and historic landmarks for the cultural benefit of present and future generations.
8. Establishing planning policies which will help achieve efficient, economical, and high-quality public education.
9. Guaranteeing an adequate system of community facilities and services, including water supply, police, fire, and other public safety services, community buildings, public works, and the like.
10. Maintaining constant vigilance over regional planning activities, especially those at the State and County levels, in terms of their potential impact on local planning and development.
11. Coordinating local planning efforts with those of neighboring municipalities in order to achieve a maximum degree of compatibility especially along common municipal boundaries.
12. Creating a planning and development environment that will promote fiscally sound municipal government affordable to all residents.
13. Preserving existing affordable housing and establishing criteria for the provision of additional units, maintaining Township standards on development while concurrently meeting standards required to provide reasonable opportunities for low- and moderate-income households.
14. Encouraging municipal policies and development that considers smart growth strategies including the consideration of potential locations to install electric vehicle charging stations; storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure; and environmental sustainability.

5. Expansion of commercial zones

The Reexamination Report recommended that Green Township expand its non-residential zones to accommodate future commercial development. The existing zones were nearing build-out and many parcels were identified as preserved for farmland or open space. The following maps show the existing commercial zones and proposed expansions, additions, and adjustments to the Township's zoning. All proposed commercial zone expansions, with the exception of an NC Neighborhood Commercial expansion in the AI-10 Agricultural Industrial Zone, are for parcels currently zoned AR 5/2 Agricultural Residential, by far the Township's largest zone.

In addition to expanding the existing commercial zones, the Reexamination Report recommended review of properties between the Whittingham Wildlife Management Area and the First Time Fen Preserve, for potential rezoning as a Commercial Recreation Zone. The new zone was proposed to promote low-intensity, passive outdoor recreation in harmony with the surrounding natural environment. Proposed permitted uses in this zone included campgrounds, mountain bike tracks, ropes courses, etc. The Reexamination Report proposed that in order to allow for existing residential and agricultural uses to continue, the Commercial Recreation Zone should be an overlay over the existing AR 5/2 zoning.

2018 PROPOSED ORDINANCE CHANGES

The 2018 Master Plan Reexamination Report recommended several ordinance changes as follows:

1. Ordinance to reflect commercial zone district changes in Master Plan

The expansion of the Township's commercial zones and the addition of a Commercial Recreation zone should be reflected in a new ordinance, so that each parcel affected is governed by its new zone.

2. Ordinance to remove public and private schools and hospitals from the conditional uses of residential zones

These uses were still recommended to be allowed as conditional uses in the newly expanded commercial zones, with the exception of the NC Neighborhood Commercial Zone.

3. Ordinance to further regulate the construction/operation/permitting of greenhouses

The Report recommended that the Township should consider a limit to the size, scale, and location (both within a lot and in relation to neighboring lots) of greenhouse development in the Town to determine what constitutes a threat to public health, safety, and welfare. In anticipation of the expected legalization of the growth, distribution, and use of recreational marijuana, the Township should prepare an ordinance to regulate marijuana greenhouse operations.

4. Ordinance to further regulate illuminated signage

The Reexamination Report recommended adding the following language to 30-83.1(f) of the Township Code regarding illuminated signs: “Signs advertising a business must not be illuminated outside of that business’s hours of operation.” This also included a recommended prohibition of internally-lit signage in all new site plan applications.

5. Ordinance to enhance landscaping and property maintenance requirements

The Reexamination Report recommended that the Township consider an addition to its ordinance chapter on property maintenance that all landscaping approved on an approved site plan must be maintained as approved, and replaced if any plant within the landscaping plan dies. This included a recommendation to also require the planting of native species and prohibit non-native, noxious, and/or invasive species.

6. Ordinance to update bonding procedures

The Reexamination Report recommended that the Township update its ordinances regarding bonding procedures to reflect the changes to N.J.S.A. 40:55D-53.

7. Ordinance to require public notice for permit application hearings under 70(a) and 70(b) of the Municipal Land Use Law (MLUL)

The Reexamination Report recommended that the ordinance should require that public notice be given for all hearings under 70(a) and 70(b) of the MLUL, with the exception of minor site plans and subdivisions and/or applications not requiring a variance, in which an applicant appeals an administrative decision or requests interpretation of the zoning map or ordinance.

8. Ordinance to update Section 30-74 of the Township Code on airport safety zones to update Section 30-74 of the Township Code on airport safety zones

The Reexamination Report recommended that the Township should consider adding visual aids including a safety zone map and height restriction methodology guides, similar to those provided in Appendix A, to its chapter “Air Safety and Hazardous Zoning for the Area Adjacent to Trinca Airport” in the Township Code.

9. Ordinance to enhance design standards of telecommunication towers

The Reexamination Report recommended that the Township Code be updated to require wireless communication towers be limited to a neutral color paint.

10. Ordinance to enhance the regulations of Chapter XIV Vacant and Abandoned Properties

The Township should review and if necessary, revise the regulations, fees, and stipulations of its ordinance chapter on Vacant and Abandoned Properties, and what is available for regulation under the State’s Abandoned Properties Rehabilitation Act, to enhance its enforcement and effectiveness.

11. Ordinance to provide clearer definitions of “structures” and “buildings” within the Township

The Reexamination Report recommended that the Township consider changing its Land Use Regulations definitions of a “building” and a “structure” to include that a permanent structure would also be defined as a building. In *The Complete Illustrated Book of Development Definitions*, Harvey S. Moskowitz and Carl G. Lindbloom state that a building must be “intended for use in one place.” The Reexamination Report recommended that the Township consider updating its definitions to include this clause, in which case any transportable or temporary structure would not be considered a building, and would be permitted as an accessory structure incidental to the principal building, lot, or land’s use.

12. Ordinance to establish a lifespan for approvals

The Reexamination Report recommended that the Township consider establishing a set “lifespan” for the validity of land use approvals, including preliminary and final major subdivisions and site plans, minor subdivisions and site plans, and any variances associated with a site plan or subdivision approval. A lifespan for approvals of just over three years for preliminary and just over two years for final would comply with the MLUL.

B. The extent to which such problems and objectives have been reduced or have increased subsequent to the adoption of the last reexamination report in 2018.

The Township has recently adopted ordinance updates for MS4 permits related to Stormwater Management and as such has adopted new regulations related to stormwater regulations, salt storage and tree protection and replacement. Additionally, the Township adopted a Farmland Preservation Plan in January 2024, to provide for the preservation of additional farmland over the next 10 years. The bulk of the remaining proposals and updates to the Land Development Ordinance have not been completed, however, the Land Use Board continues to be interested in making these updates, with a few exceptions related to the airport, which the Land Use Board is now reconsidering for other uses.

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 density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.

Trinca Airport Closure

The Township is exploring options for land use and zoning for the Trinca Airport, which was closed on September 30, 2020. With the airport no longer in use, the Township is evaluating the future zoning for the area. Similarly, prior proposals regarding airport safety zones from the Master Plan Reexamination Report don’t apply due to the closure of the airport.

Requirement to Prepare a Climate Change Hazard Vulnerability Assessment

The New Jersey State Legislature passed P.L. 2021, c. 6, which requires that any Land Use Element of the Master Plan adopted or amended after February 4, 2021, must include a climate change related hazard vulnerability assessment as follows:

- Analysis of current and future threats to, and vulnerabilities of, the municipality with climate change-related natural hazards;
- A build-out analysis of future residential, commercial, industrial, and other development and an assessment of the threats and vulnerabilities mentioned above;
- Identification of critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and for sustaining quality of life during a natural disaster, to be maintained at all times in an operational state;
- Analysis of potential impact of natural hazards on relevant components and elements of the master plan;
- Strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards;
- Policy statement on the consistency, coordination, and integration of the climate change-related hazard vulnerability assessment with any existing or proposed natural hazard mitigation plan, floodplain management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan; and
- Natural hazard projections and best available science provided by the NJDEP.

Proposals to Expand Non-Residential Zoning

The prior Master Plan Reexamination Report recommended several changes to non-residential zoning. This would best be accommodated through an update Land Use Element.

New Affordable Housing Regulations Adopted by the State Legislature

On March 20th, 2024 Governor Murphy signed Bill A-4/S-50, which sets forth guidelines for municipal affordable housing obligations for the Fourth Round and beyond. The Fourth Round was set to begin in July of 2025; however, this legislation implements deadlines that require municipalities to begin the process of addressing their obligations in January of 2025.

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 regulations should be prepared.

RECOMMENDED 2025 MASTER PLAN CHANGES

1. Statement on smart growth in Land Use Element

The New Jersey state legislature passed P.L. 2017, c.275, a law requiring the land use element of a municipal master plan to include a statement of strategy concerning smart growth, including the consideration of potential locations to install electric vehicle charging stations; storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure; and environmental sustainability. The law took effect on January 8, 2018. The updated statements from the last Master Plan Reexamination Report should be incorporated into a new Master Plan update.

2. Stormwater Management Plan & Ordinance

Changes to the State requirements regarding municipal stormwater management plans have been adopted by the New Jersey Department of Environmental Protection. Green Township should review and revise its Stormwater Management Plan to reflect State standards. Ongoing attention should be paid to the Stormwater Management Ordinances as updates to those occur.

3. Trinca Airport Closure

The Township is exploring options for land use and zoning for the Trinca Airport, which was closed on September 30, 2020. With the airport no longer in use, an updated Land Use Element of the Master Plan should review the zoning for that area.

4. Updated Master Plan Goals and Objectives

Updated Master Plan Goals and Objectives should be incorporated into a new Master Plan update and reflect changes referenced in this Master Plan Reexamination Report.

5. Requirement to Prepare a Climate Change Hazard Vulnerability Assessment

The New Jersey State Legislature passed P.L. 2021, c. 6, which requires that any Land Use Element of the Master Plan adopted or amended after February 4, 2021, must include a climate change related hazard vulnerability assessment. The Land Use Element of the Master Plan should be updated to include the following:

- Analysis of current and future threats to, and vulnerabilities of, the municipality with climate change-related natural hazards;
- A build-out analysis of future residential, commercial, industrial, and other development and an assessment of the threats and vulnerabilities mentioned above;
- Identification of critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and for sustaining quality of life during a natural disaster, to be maintained at all times in an operational state;
- Analysis of potential impact of natural hazards on relevant components and elements of the master plan;

- Strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards;
- Policy statement on the consistency, coordination, and integration of the climate change-related hazard vulnerability assessment with any existing or proposed natural hazard mitigation plan, floodplain management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan; and
- Natural hazard projections and best available science provided by the NJDEP.

6. Proposals to Expand Non-Residential Zoning

The prior Master Plan Reexamination Report recommended several changes to non-residential zoning. These proposals along with others should be incorporated into an updated Land Use Element and reviewed for current applicability.

7. Proposal to Review Residential Zones

There are some practical difficulties resulting from the R-1.5 District, where the lot area standard is much larger than most lots in the zone. This is resulting in the need for numerous variances for residents. As a result, the minimum lot area and bulk standards should be reviewed. Given the concern over potential subdivision of conforming lots, any reduced lot size should apply only to existing developed lots. Additionally, the AR-5/2 allows a minimum lot size of two acres, with an average density of 5 acres for a development. Given the high cost of infrastructure and the trend toward smaller residential lots, a minimum one-acre zoning should be considered, maintaining the 5-acre average density and requiring the preservation of open space and environmentally sensitive areas. These changes should be incorporated into an updated Land Use Element.

8. New Affordable Housing Regulations Adopted by the State Legislature

On March 20th, 2024 Governor Murphy signed Bill A-4/S-50, which sets forth guidelines for municipal affordable housing obligations for the Fourth Round and beyond. The Fourth Round was set to begin in July of 2025 however, this legislation has deadlines for compliance beginning in January 2025. A Housing Element and Fair Share Plan must be adopted by the Land Use Board by June 30, 2025.

RECOMMENDED 2025 ORDINANCE CHANGES

1. Ordinance to reflect zone district changes in the Master Plan.

The proposed non-residential zone changes and updates in the updated Land Use Element should be reflected in ordinance updates. Additionally, changes to the residential zones should be reflected in the updated ordinances. Furthermore, an updated Zoning Map should be prepared to reflect any changes.

2. Ordinance to remove public and private schools and hospitals from the conditional uses of residential zones.

These uses should still be considered for non-residential zone districts as conditional uses.

3. Ordinance to further regulate the construction/operation/permitting of greenhouses.

The Township should consider a limit to the size, scale, and location (both within a lot and in relation to neighboring lots) of greenhouse development in the Town to determine what constitutes a threat to public health, safety, and welfare. In anticipation of the expected legalization of the growth, distribution, and use of recreational marijuana, the Township should prepare an ordinance to regulate marijuana greenhouse operations.

4. Ordinance to further regulate overnight lighting and illuminated signage.

This report recommends adding the following language to 30-83.1(f) of the Township Code regarding illuminated signs: “Signs advertising a business must not be illuminated outside of that business’s hours of operation.” This section should also include a prohibition of internally-lit signage in all new site plan applications. Additionally, the lighting ordinance should be updated to ensure “dark sky” compliant lighting and require site lighting to be turned off outside of business hours of operation, limiting lighting to security and safety lighting.

5. Ordinance to enhance landscaping and property maintenance requirements.

The Township should consider an addition to its ordinance chapter on property maintenance that all landscaping approved on an approved site plan must be maintained as approved, and replaced if any plant within the landscaping plan dies. This ordinance should also require the planting of native species and prohibit non-native, noxious, and/or invasive species. The New Jersey Department of Environmental Protection has identified 29 invasive nonindigenous species in the State, detailed in its report, “An Overview of Nonindigenous Plant Species in New Jersey.”

6. Ordinance to update bonding procedure.

The Township should update its ordinances regarding bonding procedures to reflect the recent changes to N.J.S.A. 40:55D-53.

7. Ordinance to require public notice for permit application hearings under 70(a) and 70(b) of the Municipal Land Use Law (MLUL).

This ordinance would require that public notice be given for all hearings under 70(a) and 70(b) of the MLUL, with the exception of minor site plans and subdivisions and/or applications not requiring a variance, in which an applicant appeals an administrative decision or requests interpretation of the zoning map or ordinance.

8. Ordinance to update and clarify definitions to clarify the overall ordinance.

The Township should update definitions in detail to make sure that terms in the zoning ordinance are properly defined.

9. Ordinance to enhance design standards of telecommunication towers.

The Township Code currently allows wireless communication towers to “maintain a galvanized steel finish” or “be painted a neutral color so as to reduce visual obtrusiveness.” This report recommends that wireless communication towers be limited to a neutral color paint.

10. Ordinance to enhance the regulations of Chapter XIV Vacant and Abandoned Properties.

The Township should review and if necessary, revise the regulations, fees, and stipulations of its ordinance chapter on Vacant and Abandoned Properties, and what is available for regulation under the State’s Abandoned Properties Rehabilitation Act, to enhance its enforcement and effectiveness.

11. Ordinance to provide clearer definitions of “structures” and “buildings” within the Township.

The Township should consider changing its Land Use Regulations definitions of a “building” and a “structure” to include that a permanent structure would also be defined as a building. In *The Complete Illustrated Book of Development Definitions*, Harvey S. Moskowitz and Carl G. Lindbloom state that a building must be “intended for use in one place.” The Township should consider updating its definitions to include this clause, in which case any transportable or temporary structure would not be considered a building, and would be permitted as an accessory structure incidental to the principal building, lot, or land’s use.

12. Ordinance to establish a lifespan for approvals.

Under the Township Zoning Ordinance, variances are valid for one year. There is no expiration in the Ordinance for other approvals. Under the Municipal Land Use Law (MLUL), applicants are protected (generally for three years after preliminary approval and two years after final approval) against a change in the contents of the zoning ordinance. However, the approval itself is valid indefinitely in the absence of a zoning change or is valid subject to those changes. The MLUL does not confer perpetual life upon approvals, and thereby grants municipalities the power to establish a time limit on the validity of approvals, but local laws cannot be shorter than the zoning change protections or conflict in any other way with MLUL provisions. The Township should consider establishing a set “lifespan” for the validity of land use approvals, including preliminary and final major subdivisions and site plans, minor subdivisions and site plans, and any variances associated with a site plan or subdivision approval. A lifespan for approvals of just over three years for preliminary and just over two years for final would comply with the MLUL.

13. Ordinance to simplify and clarify non-residential uses

Under the Township Zoning Ordinance, uses in the non-residential zones are very specific, which at times, results in uses that would normally be permitted in a non-residential district, requiring use variances. The ordinance should be updated to permit general retail, commercial and office uses, etc. Uses that are not desirable that may fall within any of the general categories should be specifically prohibited.

14. Ordinance to create temporary permits for events.

When property owners seek to have larger event on their property, there should be an ordinance that provides for a temporary use or event permit to allow for and regulate those events. As part of the ordinance, parking and location of various activities should be considered along with notifications to emergency services.

15. Ordinance to regulate commercial vehicles parked in residential zones.

An ordinance should be adopted limiting the locations and types of commercial vehicles permitted to be parked in residential zones.

16. Ordinance to update regulations for home businesses.

An ordinance should be adopted to update regulations for home businesses to allow for reasonably sized businesses that don't negatively impact adjacent properties.

17. Ordinance to address use of shipping containers.

An ordinance should be adopted to regulate the use of shipping containers as temporary storage containers and also as permanent accessory structures. Issues to be addressed include the location, number and size of shipping containers, along with visibility, visual impacts and location on the property.

18. Ordinance addressing Electric Vehicle Service Equipment (EVSE) Model Ordinance

An ordinance should be adopted to regulate EVSE in the Township by incorporating the State's Model EVSE Ordinance into the Township's ordinances.

19. Ordinance to streamline and update the Township's site plan and subdivision standards.

The Township should review and revise its site plan and subdivision standards in order to make sure that the standards are current, easy to use, specific and reflective of the intent of the zoning ordinance for non-residential and residential districts.

E. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c.79 (C.40A:12A-1 et al.) 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.

No changes are recommended to the Land Use Plan Element of the Township Master Plan or to the local development regulations to effectuate any redevelopment plans at this time.

F. The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure

This Reexamination Report recommends identifying potential strategic locations to install electric vehicle charging stations, or Electric Vehicle Service Equipment (EVSE), in the updated Land Use Element.