

2024 MASTER PLAN REEXAMINATION REPORT

BOROUGH OF STOCKTON HUNTERDON COUNTY, NEW JERSEY

December 3, 2024

**In consultation with:
The Borough of Stockton Planning Board**

Prepared by:

Joanna Slagle, PP, AICP
License No. 33LI00595500

The original of this document has been signed and sealed pursuant to N.J.A.C. 13:41-1.3

INTRODUCTION

A Reexamination Report is a periodic review of previously adopted Master Plans, Master Plan Reexamination Reports, local development regulations, and any other land use policy changes at the regional or state level to determine if past assumptions and policies related to land use are still applicable. A Reexamination Report is an opportunity to review land use issues within the Borough to determine recommendations for future planning initiatives. In accordance with law, the Stockton Borough Planning Board is tasked with reexamining the Borough's Master Plan every 10 years, within certain parameters. This document represents that work. The Municipal Land Use Law (MLUL), at N.J.S.A. 40:55D-89, provides the following with respect to the periodic examination of a municipal Master Plan:

“The governing body shall, at least every ten 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 and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 10 years from the previous reexamination.”

The Borough of Stockton adopted the most recent Periodic Reexamination on September 2, 2014. Prior to that, a reexamination report was completed on July 10, 2001. In addition, the Borough last adopted the following comprehensive master plan elements as follows:

- Land Use Plan adopted September 12, 2006
- Conservation Plan adopted November 2005
- Housing Plan Element and Fair Share Plan adopted December 10, 2008 to address the Third Round COAH regulations

The Municipal Land Use Law requires consideration of five areas (N.J.S.A. 40:55D-89a-e) within the Reexamination Report, which are discussed below:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land 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.
- e. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

40:55D-89a “The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.”

The prior reexamination report identified a series of problems and objectives that existed in 2014. The following is a summary of those issues:

1. Traffic was identified to be a significant issue for the Borough and its residents. The 2014 Reexamination Report identified the long-standing issues related to regional traffic demands and the associated safety implications, especially along Route 29. The Borough recognized that traffic improvements along Route 29 require communication, approval, and funding through the New Jersey Department of Transportation (NJDOT), and any opportunities to address safety and traffic concerns should be communicated with appropriate departments.
2. Pedestrian safety related to Route 29 continued to be an issue. Pedestrian and roadway improvements responding to Stockton’s local needs, such as sidewalks, streetlights, shade tree plantings, remain a priority but continue to be a long-term process and require continued communication with the New Jersey Department of Transportation (NJDOT). A portion of Route 29 has been designated as a scenic byway, giving more weight to the Borough’s long-term goal of controlling traffic and providing safety to all traveling along Route 29, including motorists, pedestrians, and bicyclists.
3. Regional attractions such as the D&R Canal Towpath, Bulls Island Recreation area, and other river recreation opportunities draw non-residents to the Borough. While this presents an economic and cultural benefit to the Borough, it has led to an overall increase in traffic traveling through the Borough, both at traditional peak times and off-peak times.
4. Parking in the Main Street area was identified as an ongoing issue. Parking demand has been analyzed and has shown an increase over time, while the supply has not. The increase in traffic and use of regional recreational opportunities provide business to Borough establishments; parking utilization has been maximized in the village core, and parking facility deficits were identified. An analysis of parking facilities revealed that additional parking beyond the village core is needed to relieve congestion and free up parking for short-term parking needs in the village. Recommendations for “resident only” and “time limit parking” be established. Identification of potential parking areas would prepare the Borough to meet increasing demands.

The previous Reexamination report also brought forward the goals and objectives that were identified in the 2014 reexamination report as still relevant in 2024 as identified below:

1. To maintain and improve the unique and desirable residential character of Stockton Borough.
2. To control and direct changes so as to better utilize our land for residential purposes without unduly restricting variety or design.
3. To assign and develop suitable zones for residential, commercial and professional uses.
4. To provide healthful and serviceable recreational facilities for our Borough.
5. To maintain the quality educational processes and to furnish adequate protective services, infrastructure and useful facilities. The concept of regionalization to be considered if appropriate and needed.
6. To safeguard the future of the Borough by providing sufficient legal controls and enforcement to ensure prudent usage and development.

40:55D-89b “The extent to which such problems and objectives have been reduced or have increased subsequent to such date”.

Many of the issues present in 2014 continue to guide long-term planning initiatives in the Borough in 2024, as detailed below:

1. The traffic along Route 29 and throughout the Borough remains a concern for residents. The pandemic increased the use of outdoor recreation facilities throughout the state, and the use of the Towpath during that time subsequently increased, but it has not witnessed a significant decline post-pandemic. Rush-hour commuter traffic speeding is an increasingly difficult problem, especially since the closure of the School in 2018 and its removal as a basis for State and local police speeding enforcement efforts. The regional traffic demand in the downtown core remains high. A prior traffic analysis prepared by the Borough identified the need for raised pedestrian crossings on Route 29 at the [then operational] Elementary School and at the Prallsville Mills. Traffic calming on Route 29 should continue to be pursued through NJDOT, and any available funding and approval will continue to be sought. While the use of the elementary school has ceased, crossings in that area are still important to providing pedestrian safety. In addition, the improvements effectuated along Bridge Street should be continued throughout the Borough to enhance its character and the safety of non-vehicular traffic.
2. The traffic and pedestrian safety concerns related to Route 29 continue to be an issue. Pedestrian and roadway improvements responding to Stockton’s local needs, such as sidewalks, streetlights, and shade tree plantings, remain a priority but generally continue to be a long-term process requiring continued communication with the New Jersey Department of Transportation (NJDOT). Some significant improvements of this kind were made in connection with the revitalization of the Stockton Inn lots, in 2024. Portions of Route 29 have been designated as a scenic byway, giving more weight to the Borough’s

long-term goal of controlling traffic and providing safety to travelers, including motorists, pedestrians, and bicyclists.

3. The Borough still attracts non-residents utilizing the recreational facilities, including the D&R Canal path, and those heading to the Bulls Island Recreation area and Frenchtown to the north of the Borough and other Delaware River and D&R Canal recreation opportunities. As witnessed above, this adds to traffic in the Borough.
4. Parking remains in short supply and will continue to be a problem as commercial and economic activity increases. As will be discussed later, parking demands in the Borough will only increase with economic development and revitalization. Parking studies should continue to be reviewed to balance the need for parking solutions with the desire for the Borough to regain economic stability and diversity and encourage appropriate development.

55D-89c “The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.”

STOCKTON BOROUGH LAND USE AND REGULATIONS

Since the adoption of the 2014 Reexamination Report, the Borough has not prepared a new Land Use Plan. As noted in 2014, the Borough prepared a new Land Use Plan in 2006, which included a Vision Statement and a series of goals and objectives (Appendix A to this document), as well as several land development strategies that are still applicable. Below is a summary of the 2006 Land Use Plan and recommendations:

Floor Area Ratio (FAR) - This technique can be used to limit the floor area permitted on a lot, and measures the sum of all floors of all buildings as a ratio of the lot area. Floor area ratio is a regulatory control of special significance, since only the Zoning Board can approve variances from this standard, and only by a super majority vote. FAR is most frequently used in regulating non-residential land uses, although some municipalities have also used it to regulate residential use. It can be particularly invaluable in preventing the conversion of the character of historic villages by the introduction of large buildings that are out of scale with the prevailing village form and that frequently disregard historic architectural styles. In Stockton, the control could be used to preserve community character and the scale of buildings within neighborhoods, and to preserve a range of housing choices by maintaining a relatively affordable housing scale.

Maximum Building Size - Another technique for avoiding the introduction of buildings that are out of scale with their surroundings is a control on overall building size. Where FAR regulates habitable floor area of buildings that can be on any individual lot, it does not control the total size of any individual buildings. A maximum building size requirement, conversely, prevents buildings from becoming out of scale with their surroundings by harmonizing them with neighborhood character. Neighborhood character is generally perceived along a linear processional experience. For instance, a drive down a street, observing the size and placement of homes on both sides of the street, can reveal a sense of neighborhood character.

Mixed-use village areas typically have a fabric that is also susceptible to damage by the removal and replacement of older and smaller buildings with new larger buildings. Yet, in many cases, unfortunately, prevailing zoning standards permit a building envelope, based on setbacks, coverage and other standards, that can accommodate substantially more development than the prevailing historic forms. Where older settlement areas tend to have grown incrementally, with a series of smaller buildings combining to create a sense of place, modern architectural and design efficiencies often promote larger buildings with disparate architectural styles and an institutional rather than an individual appearance. The use of a maximum building size requirement can help to assure that when the floor area associated with a given area of land is established or modified, that the size of buildings can be reasonably related to the character that exists prior to the new construction. Of course, new construction will of necessity make changes in this character over time. However, this only makes it more important to prevent significant departures from neighborhood character, especially in a town that places a high value on its heritage.

Building Placement - Zoning regulations have typically required the placement of buildings within an “envelope” established by the minimum front, side, and rear yards. Except for the limitations imposed by floor area or coverage controls, however, the building envelope on a given lot may be “filled up” by the addition of available, but unused development rights. Frequently, desirable residential and mixed-use locations are affected by market forces that make it attractive to alter the prevailing character by capturing the additional development potential. It is frequently this real estate investment incentive that destroys or dramatically alters neighborhood character. For instance, in residential neighborhoods, where some homes have been built at the minimum front yard setback while others have been set substantially further back, the results can be a “front yard vs. back yard” arrangement. In this setting, one resident’s front door faces another resident’s accessory uses in the rear yard, which include pools, fences, dog runs and the wide variety of on lot recreation which is typical in residential zones. The Building Placement design approach requires that new dwellings be built at a comparable front yard setback, creating a relationship where front yards are fairly consistent across a block and rear yard areas are preserved throughout the neighborhood for those activities more appropriate to rear yards.

Lot-of-Record Restrictions - One technique for preventing the consolidation of multiple lots and the tearing down of existing buildings ties the use permitted in any specific zone to a lot-of-record, that is, a parcel existing as of a certain date. Restrictions on the consolidation of lots-of-record are intended to prevent the combination of lots into larger

parcels for larger development opportunities. While the assembly of parcels is not universally undesirable, it generally has a negative impact on neighborhood character, as it results in fewer, but larger buildings. Use rights associated with a specific lot-of-record can acknowledge the level of existing development with appropriate controls on bulk and intensity, but can also penalize users of land lots that have been combined with other lots to form a development parcel. Such penalties may limit permitted floor area, total building coverage, total impervious coverage and setbacks, and require landscaping designed to minimize the intrusiveness of new development.

Historic Preservation Overlay - This section of a Land Use Plan calls for the development of a historic district overlay to protect the existing built environment that has evolved during the Borough's development over the prior two centuries. Stockton Borough is endowed with a wealth of older buildings, many with historic character, that establish Stockton's essential character. The historic district overlay could include a series of incentive-based architectural performance standards that would permit increases in lot coverage, and possibly even reduced front yard setbacks when residential development includes architectural designs that complement and are substantially consistent with the original architectural style of existing buildings. Landscaped treatments such as property line hedges, landscaped gardens and walkways constructed of brick, stone, pavers and the like can also soften the impact of new construction. The requirements of an historic preservation district would have to appropriately accommodate individual property owner's interests to reasonably expand their dwelling and conduct routine maintenance on their property.

Economic Revitalization Strategies - The Planning Board believes that the Borough could benefit from a coordinated planning approach to revitalization of the downtown. Changes in the commercial district include the departure of a full-service grocery store and conversion to boutique tourism-based uses, the major renovation of a building for new real-estate offices, and changes at Stockton's local landmark, the Stockton Inn, which has undergone a series of changes in ownership and brief closings. Some changes have been subtle and some changes have underscored the need for a revitalization strategy that responds to Stockton's unique downtown assets, regional location and the challenges posed by Stockton's historic development patterns that give the Borough its unique charm.

One approach to planning for commercial revitalization may be the preparation of an Economic Revitalization Subplan element of the Land Use Plan, which could involve the participation of major stakeholders such as local businesspersons representing existing commercial enterprises, a chamber of commerce, local officials and representatives from the D&R Canal State Park and the Delaware and Raritan Canal Commission. The objective would be to bring renewed economic vitality to the commercial district, upon which the Borough relies for diversification of the local tax ratable base.

The Borough has yet to implement these 2014 recommendations, but they remain relevant as the Borough seeks to retain its historic character while accommodating growth and redevelopment.

Stockton Borough Park Master Plan

The Borough adopted the Stockton Borough Park Master Plan in November 2021. The Park Master Plan provides an in-depth review of the Borough Park's existing condition, access, and surrounding land uses, as well as recommendations on the development and improvement of the Park to provide an integrated recreational facility that is responsive to residents' needs and access to the D&R Canal path and regional recreational opportunities. Objectives of the Plan are:

1. To provide defined and welcoming entrances to the Park;
2. To provide new and improved opportunities for passive and active recreation, children's play, and gathering;
3. To establish access to the canal and usable park space with views to the canal;
4. To improve connectivity with the D&R Canal Trail and the Prallsville Mills and to create opportunities for walking loops;
5. To restore and improve ecological aspects of the site, including increasing habitat for native flora and fauna.

The Plan's recommendations seek to create a unique recreational opportunity and coordinate with many of the Borough's long-standing planning goals to enhance access to recreational opportunities, provide safe pedestrian access to various facilities in the Borough, and enhance ecological and natural resources. The Borough's wish to develop the Park consistent with feasible components of the Plan continues to be a priority. The Borough Council may seek funding or partnerships to help implement the initiatives identified in the park master plan.

STATE PLANNING INITIATIVES

State Plan: Updated to the New Jersey State Development & Redevelopment Plan (SDRP)

The 2001 New Jersey State Development and Redevelopment Plan (SDRP) is currently being updated by the Office of Planning Advocacy (OPA) and the State Planning Commission (SPC), with the goal of producing an amended Plan in 2025. The current and amended SDRP identify and will reflect current planning principles and best practices for a variety of land use issues, including environmental protection, housing, transportation, economic development, historic preservation, and other topics. The current SDRP continues to be a guiding document for planning throughout the state and provides local, regional, and state agencies with information to plan land use activities, prioritize funding, and administer rules. As with the 2001 SDRP, the State will seek a cross-acceptance process to be conducted by local, regional, and state agencies to ensure consistency throughout the Plan and governed agencies during the amendment process. The State Plan is not designed to overrule, negate, or interfere with existing plans or regulations in communities, but it is intended to provide guidance and foster collaboration among stakeholders.

The stated Goals of the 2025 SDRP are:

1. Reverse the Concentration of Adverse Environmental and Public Health Impacts in Overburdened Communities and Redress Inequities Resulting from Past Planning Actions
2. Effectively Address the Adverse Impacts of Global Climate Change
3. Protect, Maintain, and Restore the State's Natural and Water Resources and Ecosystems

4. Protect the Environment; Prevent and Clean Up Pollution
5. Revitalize and Recenter the State's Underutilized Developed Areas
6. Promote Economic Growth that Benefits all Residents of New Jersey
7. Provide an Adequate Supply of Housing For Residents of All Ages and Incomes, In Location-Efficient Places with Ready Access to the Full Range of Supportive Goods and Services
8. Provide Affordable and Effective Public Facilities and Services
9. Protect, Enhance, and Improve Access to Areas with Exceptional Archeological, Historic, Cultural, Scenic, Open Space and Recreational Value
10. Ensure Sound and Integrated Planning and Implementation at all Levels Statewide

Once the draft amended Plan is publicly released, the Borough will have the opportunity to provide comments and participate in the cross-acceptance process, which is being facilitated through the Hunterdon County Planning Department.

MUNICIPAL LAND USE LAW

In 2017, the Municipal Land Use Law was amended at N.J.S.A. 40:55D-28.b. to expand the requirements of the land use plan element to include smart growth discussions, existing and potential locations of electric vehicle charging stations, storm resiliency planning, and climate hazard-related assessments, as follows:

- (f) including, for any land use plan element adopted after the effective date of L.2017, c.275, a statement of strategy concerning:
 - (i) smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations,
 - (ii) storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and
 - (iii) environmental sustainability;
- (g) showing the existing and proposed location of public electric vehicle charging infrastructure; and
- (h) including, for any land use plan element adopted after the effective date of P.L.2021, c.6, a climate change-related hazard vulnerability assessment which shall (i) analyze current and future threats to, and vulnerabilities of, the municipality associated with climate change-related natural hazards, including, but not limited to increased temperatures, drought, flooding, hurricanes, and sea-level rise; (ii) include a build-out analysis of future residential, commercial, industrial, and other development in the municipality, and an assessment of the threats and vulnerabilities identified in subparagraph (i) of this subparagraph related to that development; (iii) identify 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; (iv) analyze the potential impact of natural hazards on relevant components and elements of the master plan; (v) provide strategies and design standards that may be implemented to reduce or avoid risks

associated with natural hazards; (vi) include a specific 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 (vii) rely on the most recent natural hazard projections and best available science provided by the New Jersey Department of Environmental Protection;

The inclusion of these new Land Use Plan discussions will be required when a new Land Use Plan is prepared. A Land Use Plan element is a required element under the Municipal Land Use Law. Stockton's 2006 Land Use Plan is the most recently adopted Plan. A Land Use Plan is developed separately from the Reexamination Report process.

OTHER LEGISLATIVE ACTIONS

New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act (P.L. 2021, c. 16)

On February 22, 2021, the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" was approved. A-21 (P.L. 2021, c. 16), and associated A-1897 (P.L. 2021, c.19), decriminalized marijuana and hashish possession and allowed cannabis use and possession for adults 21 years and older. The Governor also signed S-3454, clarifying marijuana and cannabis use and possession penalties for individuals younger than 21 years old. Any existing municipal ordinance regulating or prohibiting cannabis is null and void and must be readopted to be effective.

The new act provides municipalities until August 21, 2021, to either prohibit, "Opt-Out", of permitting cannabis activities or "Opt-In", partially or fully, to chosen cannabis activities. If municipalities take no action by August 21, 2021, cannabis activities will be permitted in the municipality, depending on the type of facility and existing zone districts.

Municipalities that opt-in to cannabis activities must permit those activities for five years. After five years a municipality is provided 180 days to amend any existing ordinances or prohibit cannabis operations. Municipalities that opt-out are permitted to opt-in at any time over the next 5-years. However, regardless of the municipality's decision at this time, a municipality cannot prohibit the delivery of cannabis items and related supplies by a delivery service within its jurisdiction.

Municipalities that consider permitting cannabis facilities should conduct a review of current zoning and established land use patterns to ensure that any such facilities are consistent with the existing character and long-term planning initiatives. Additionally, cannabis facilities may require enhanced regulations to ensure public health, safety and general welfare. To that end, should the Borough consider permitting cannabis facilities, such facilities should be limited to retail licenses within the Commercial Residential Zone to reflect the Borough's existing small-scale historic character. Land use regulations should be carefully evaluated to ensure, not only compliance with the Cannabis Regulatory Act, but also provide enhanced standards, including but not limited to,

buffering, landscaping, security, lighting, signage and other issues that may impact surrounding properties and the Borough in general.

Cannabis Use Licenses and Facilities

The act created six distinct classes of licenses for activities that an “Opt-In” municipality can permit or prohibit, as outlined below.

Persons seeking a license must live in New Jersey for at least 2 years prior to the date of the application, must be 21 years old, must undergo a criminal history background check, and meet the regulations adopted by the Cannabis Regulatory Commission. Applications for a license will be submitted to the Cannabis Regulatory Commission and must also be submitted to the municipality within 14 days. Municipalities must determine whether the application complies with all local restrictions as identified in any “opt-in” ordinance. The applications must include items such as quality control, recall plans, water and wastewater management, odor mitigation practices, safety and security plans, and community impact, social responsibility, and research statements. Any new cannabis facility is also required to follow all applicable planning and zoning regulations and seek necessary permits, site plan approvals, and zoning board approvals as needed. A municipality must then inform the Cannabis Regulatory Commission if the application complies with all local ordinances.

The cannabis licensing classes are as follows:

Class 1 License – Cannabis Cultivator

A class 1 license permits the licensee to grow, cultivate or produce cannabis in New Jersey. The holder may also sell or transport their product to other cannabis growers, processors, wholesalers, or retailers; however, this class of license does not permit direct sale to consumers.

Class 2 License – Cannabis Manufacturing

A Class 2 license permits the holder to process cannabis items in New Jersey by purchasing or obtaining usable cannabis and can manufacture prepared and packaged cannabis items for sale. The holders of this license may also transport the manufactured items to other cannabis processors or retailers but are not permitted to sell directly to consumers.

Class 3 License – Cannabis Wholesaler

A Class 3 license permits the holder to purchase, obtain, store, or transport cannabis items. These items can be transported or held for other cannabis wholesaler or to a cannabis retailer however, the holder of this license is not able to sell or move product directly to consumers.

Class 4 License – Cannabis Distributor

A Class 4 license permits the holder to transport items in bulk within the state from one cannabis establishment to another. A distributor is able to temporarily store items in transport.

Class 5 License – Cannabis Retailer

A cannabis retailer is permitted to purchase or obtain usable cannabis from cultivators, manufacturers, or wholesalers and sell these products directly to the consumer from a retail store.

A retailer may also employ a cannabis delivery service or handler for off premises delivery of cannabis items and related supplies to the consumer. A retailer must also accept any consumer purchase from a cannabis delivery service intended to be delivered to a consumer.

Class 6 License – Cannabis Delivery

A Class 6 license permits a delivery services or courier, for the purchase and delivery of cannabis items to consumers. License holders are able to transport cannabis and related items directly to the consumer by purchasing the items from a licensed cannabis retailer. Sales of such items can use a third-party technology to receive, process, and fulfill orders by the consumer.

Local Cannabis Tax

Municipalities that permit cannabis activities may enact a local cannabis tax that cannot exceed 2% for cannabis cultivator, manufacturer, and/or retailer; and 1% for wholesalers. The tax percentage is based on the receipts for each sale and is paid directly to the municipality in the manner prescribed by the municipality. Any delinquencies are treated the same as delinquent property taxes. The tax cannot apply to delivery services to consumers or transfers for the purpose of bulk transportation.

A municipality may also impose a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment located within the municipality. If a municipality adopts an ordinance providing for a transfer tax the ordinance must also provide for a user tax. This user tax must be equivalent to the transfer tax rates, on any concurrent license holder, operating more than one cannabis establishment. The user tax allows for tax parity, by preventing vertically integrated cannabis establishments from avoiding the transfer tax.

Municipal Separate Storm Sewer System (MS4) NJDES Permit Program Changes

In 2004, the New Jersey Department of Environmental Protection (NJDEP) adopted amendments to the New Jersey Pollutant Discharge Elimination System (NJPDES) regulations for the development and implementation of the Municipal Stormwater Regulation Program (NJAC 7:14A-25) and established two NJPDES general permits to authorize municipal stormwater discharges, known as Tier A and Tier B. This program was developed in response to the U.S. Environmental Protection Agency’s (USEPA) Phase II Rules published in December 1999, which required municipalities to develop and implement a program to reduce discharges of pollutants entering waterbodies from stormwater systems to the maximum extent practicable. These are referred to as “municipal separate storm sewer systems” (MS4s).

Prior to the most recent permit renewal, Tier A permits were issued to more urbanized municipalities (more infrastructure) and were assigned more stringent stormwater management requirements than the more rural municipalities (less infrastructure) that were issued Tier B permits. Stockton.

Borough was categorized as a Tier B municipality until 2023. The 2023 NJPDES MS4 permit was renewed and revised to require all municipalities to comply with the National Pollutant Discharge Elimination System (NPDES) MS4 General Permit Remand Rule, thus eliminating the Tier B category. The new rules were adopted to address the impacts of climate change that have

increased the frequency and intensity of flooding events that result in significant additional stormwater runoff and the discharge of pollutants into the nation's waterways. As a new Tier A municipality, the Borough is required to strengthen its stormwater program through numerous compliance measures to reduce stormwater runoff, impacts on water quality, and other public health and safety issues set forth in the 2023 MS4 General Permit regulations.

It is a requirement of the MS4 permit that permittees adopt, amend, and implement a written Municipal Stormwater Management Plan (MSWMP) pursuant to N.J.A.C. 7:8 to describe the framework of the permittee's strategy, structure, and process for its post-construction stormwater management program. The permit requires that municipalities conduct a re-examination of its MSWMP as part of the re-examination of its municipal master plan in accordance with N.J.A.C. 7:8-4.3(c) and (d), at least every 10 years, or more often as necessary to reflect changes related to the municipal stormwater management program. The NJDEP is currently revising the required minimum standards for the MSWMP for anticipated publication in 2025. The Borough, through the Council, will update its MSWMP in accordance with the new model following its release.

Warehouse Siting Guidance

On September 7, 2022, the New Jersey State Planning Commission adopted a Warehouse Siting Guidance policy document to provide municipalities with detailed information and considerations regarding warehouse development. The document is a result of the exponential increase in warehouse development across the state which has impacted traffic, road networks, noise, and other development impacts associated with warehouse uses. The document acts as a primer to the types of warehouse facilities, their purpose, typical land use considerations, and proactive ways municipalities can plan for warehouse activity. Such considerations include a review of existing municipal master plans, ordinances, and existing land available for warehouse development. While some areas may benefit from the development of warehouses, others areas may not be suitable based on smaller roadway networks, environmental constraints, and economic and social impacts on residents. The document identifies an evaluation of smart growth principles for those investigating the inclusion or prohibition of warehouse facilities in their municipalities.

Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces

On July 9, 2021, Governor Murphy signed into law requirements for Electric Vehicle supply/Service Equipment and Make-Ready parking spaces to provide access to electric charging stations for electric vehicles (P.L. 2021, c. 171). The law requires that Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces be designated as permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements related to EVSE in New Jersey's 565 municipalities. Among other things, the law grants EV parking spaces to count as more than one space to encourage the installation of spaces and addresses issues related to installation, sightline, and setback requirements and other health- and safety-related specifications ("Reasonable Standards") for EVSE and Make-Ready parking spaces. The Borough will continue to review and comply with all applicable EV parking and "Make-Ready" parking spaces as required.

Affordable Housing

On March 20, 2024, Governor Murphy signed a package of affordable housing bills commonly referred to as A-4/S-50, or 4th Round rules, which provided a complete overhaul to the Fair Housing Act Administration and officially eliminated the Council on Affordable Housing. The new legislation replaces the current methodology to calculate statewide affordable housing obligations and the process to address affordable housing obligations. The Legislation calls for an examination of how the affordable housing plan addresses obligations from Rounds 1 through 3 and an examination of how Round 4 obligations will be satisfied. The new legislation provides a detailed timeline for compliance, with many deadlines outlined in the process tied to loss of immunity for failure to achieve the required task.

The legislation formally abolishes COAH and establishes the Affordable Housing Dispute Resolution Program (“Program”). The DCA and the Administrative Office of Courts will administer this program. The DCA will calculate the Statewide and municipal obligations, while the Administrative Office of Courts will administer the Program. DCA, in consultation with NJHMFA, shall adopt transitional rules and regulations transferring the duties of COAH within DCA and establish policies regarding the costs of the assessment and fees of the planned real estate development.

“The Program” is the Affordable Housing Dispute Resolution Program, which is made up of 3 to 7 Judges or other qualified experts appointed by the Administrative Director of the Courts. The program may also appoint special masters to assist in the processing and approval of plans and the resolution of conflicts. The program will review affordable housing plans and objections during the process.

Should a municipality achieve compliance, it will be issued a compliance certification with presumptive validity should a dispute or challenge arise. Compliance Certification is the process whereby the Program approves the local fair share plan and implementation mechanisms and provides immunity from builder’s remedy lawsuits.

The A4/S50 identifies a methodology similar to the methodology laid out in the Judge Jacobson decision; however, there are some modifications to the methodology. The numbers will be provided in a report issued by DCA based on the methodology outlined in the new legislation, which uses three allocation factors:

- (1) “equalized nonresidential valuation factor”;
- (2) “income capacity factor”; and
- (3) “land capacity factor.”

These three factors are averaged and applied to the regional need to determine the municipal fair share of the regional need.

The new process will allow municipalities an opportunity to present their own affordable housing obligation numbers, either through adjustments such as a vacant land analysis or through some other analysis conducted by the Borough. Assuming the Borough will again seek a Vacant Land Adjustment (VLA), the intention of preparing the VLA as part of the Housing Element and Fair

Share Plan will need to be identified in the binding resolution on January 31, 2025. The Borough has historically been granted a Vacant Land Adjustment (VLA). The vacant land adjustment has been an important tool in the Borough's prior housing plans. The new legislation requires any municipality that receives an adjustment of its prospective need obligation for the fourth or any subsequent rounds based on a lack of vacant land, as part of its adopting and implementing its Housing Element and Fair Share Plan, to "identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25% of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so."

The new legislation has reallocated how bonus credits are applied. The prior rental bonus of one credit for one unit up to 25% of the municipal obligation is no longer applicable. This is significant since most municipalities utilized the rental bonus credit to achieve their obligation. Moving forward, fewer bonus credits can be anticipated, meaning the need to create additional constructed units will increase.

The Borough will continue to seek affordable housing opportunities for residents and meet the state-mandated affordable housing obligation as required by the Fair Housing Act. It will also stay up to date with information regarding the new legislation during the transition to the new program.

40:55D-89d. 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 Stockton Borough Planning Board has concluded that the strategies identified in the Borough's 2014 Reexamination report and the 2006 Land Use Plan generally meet the needs of the Borough and its residents and do not require significant revision at this time. However, the Planning Board recommended in 2014 that many of the ongoing issues related to traffic, preservation of the Borough's character and resources and parking continue to be studied in greater detail in order to determine appropriate future actions. In 2024, the Planning Board believes that these studies and consequent actions should be freshly considered, including:

Traffic and Pedestrian Safety

Traffic and its associated impacts continue to be a concern for the Borough. Traffic associated with the bridge crossing, with rush hour commuters, as well as with those visiting the D&R Canal path and other associated recreational activities, creates a unique challenge for the Borough. The Borough encourages the use of the path and welcomes visitors to take advantage of the river amenities, and to support local businesses. However, traffic places additional demands on the roadway networks and parking and presents pedestrian safety concerns for residents and visitors alike. In 2014, the Borough identified the need to continue providing traffic calming strategies and techniques to ensure pedestrian safety while maintaining the Borough's historic character. This objective remains a priority for the Borough.

One of the first considerations to mitigate traffic concerns is to provide traffic calming strategies and techniques. Reducing the speed of vehicles throughout the Borough, and especially along

Risler Street and North and South Main Streets (Route 29) and Bridge Street, would significantly reduce conflicts between vehicles, pedestrians, and cyclists. Permanent installations such as marked crosswalks, raised medians, pedestrian refuge islands, traffic control devices, chokers that reduce the cartway width, continuous sidewalks, and walkways can efficiently counter pedestrian crashes. Bicycle-friendly facilities such as bicycle lanes, tracks, and sharrows (i.e., inverted “V” stripings) reduce injury rates, collision frequency, or crash rates. Mobile or non-permanent strategies, such as portable pylon pedestrian yield signs, can be moved to various locations, which increases driver awareness. Mobile signs slow vehicular traffic and improve pedestrian safety in crosswalk locations. These measures should be implemented throughout the Borough wherever practical and can be designed to retain and enhance the historic character of the Borough.

Traffic calming strategies, such as those identified above, require coordination with the New Jersey Department of Transportation (NJDOT) since NJDOT retains jurisdiction over State Route 29. One option the Borough has considered is utilizing the Complete Streets initiative. The Complete Streets program improves mobility and accessibility by enhancing the quality and availability of the connections between residences, schools, parks, public transportation, offices, and retail destinations. This network encourages the development of livable, walkable communities that can help revitalize a downtown, increase private investment, bolster property values, promote tourism, and support the development of a good business climate. A walkable community also improves overall quality of life by creating an environment where people are encouraged to interact and develop a sense of community. New Jersey has been recognized as a national leader for advancing Complete Streets policies, which promote safety for pedestrians, bicyclists, and other users of New Jersey roadways. NJDOT adoption of a Complete Streets policy in December 2009 made New Jersey one of the first ten states in the nation to make Complete Streets an official internal policy. This policy requires that future roadway improvement projects include safe accommodations for all users, including bicyclists, pedestrians, transit riders and the mobility-impaired. Roads are built to safely accommodate a variety of transportation modes and users of all ages and abilities. Complete Streets are planned, designed and constructed to blend with the local community while meeting transportation needs. The Borough continues to investigate all available options to mitigate traffic and safety concerns and identify appropriate funding sources and priorities.

Parking

Parking remains an issue in the Borough as the demand for parking in the borough’s core to access local business and recreational facilities remains high. The demand can impact local streets and residents as visitors seek parking along secondary streets and in residential neighborhoods. To determine the full extent of parking demands, locations, and availability, the Planning Board should prepare an updated Borough-wide parking study, including the use of on-street parking, existing parking lots, areas of future parking availability, and identification of enforcement and funding strategies.

Parking impacts vehicular access throughout the Borough and correlates to pedestrian activity and safety. Therefore, any parking considerations should also include how traffic and parking affect pedestrian movement. Identification of possible future parking areas may include purchasing land by the Borough or utilizing any existing Borough properties. New parking facilities could be established along the northerly and southerly reaches of Route 29 in the Borough within easy

walking distance to the village core. These facilities would be particularly valuable in accommodating the long-term parking needs of visitors to the Borough and relieving congestion in the village. For example, a site north of the village could increase parking availability in the village core. This would serve to provide short-term visitor parking spaces that are valuable to the local business economy. However, such locations should respect the existing historic fabric of the Borough. The Borough could also investigate opportunities for shared parking arrangements where practical.

Strategies to manage parking demand and provide enforcement capabilities should be explored. Features such as parking meters and kiosks, which can be a positive revenue source, can make parking more accessible. Less intrusive measures, such as time limit parking, which involves posting 1-hour or 2-hour parking signs, periodic marking of tires, and issuance of parking tickets, may also be helpful in controlling parking in the village core if the personnel resources can be provided. While parking ordinances, enforcement, and management are functions of the governing body, the planning board can incorporate such recommendations in a parking study.

Economic Development Plan Element Recommendations

The Municipal Land Use Law (NJSA 40:55D-28) identifies optional elements of the Master Plan in an effort to create short- and long-term planning opportunities tailored to each municipality's needs and objectives. One such element is an Economic Development Element, which is intended to provide an opportunity to analyze existing and projected economic conditions and develop planning goals and objectives and means to address issues that may help to promote economic development and diversity.

Specifically, NJSA 40:55-D-28(b)9 states:

An economic plan element considering all aspects of economic development and sustained economic vitality, including (a) a comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the labor pool resident in the municipality and nearby areas and (b) an analysis of the stability and diversity of the economic development to be promoted;

Since the last reexamination report, the Borough, like the rest of the Country, has witnessed the combined effects of the Great Recession and the COVID-19 Pandemic. The result of these major influences and subsequent economic outcomes are still being determined. However, the need to evaluate and promote economic activities is vital to the continued vitality of the Borough. An economic development plan can determine appropriate ways to promote the reuse of properties, diversify opportunities, better utilize existing assets such as the recreational opportunities within the Borough, and find areas of new development or redevelopment where the increase is not out of context with the existing land use patterns, with the continued focus on protecting environmental resources and reducing impacts to resources.

To this end, the Planning Board recommends that an Economic Development Element of the Master Plan be prepared. The Economic Development Plan will provide an opportunity to review existing economic contributors, land development patterns, workforce and employment

characteristics of the Borough. An analysis of these factors will provide a means to then develop strategies to diversify the local economy, promote workforce initiative, develop economic partnerships, increase economic and natural resiliency, and foster meaningful redevelopment opportunities that will take into consideration the location and types of development that will benefit not only new residents and employees but also provide additional development and services for existing residents.

Recreation and Open Space Recommendations

The D&R Canal path remains an important regional asset in the Borough, and it is frequented by residents and visitors alike. The path draws many to the Borough's core, which boosts local businesses. The Borough should continue to seek opportunities to provide convenient access and alternative parking arrangements to the path. Coordinating with the Prallsville Mills site is advisable to support this activity. The establishment of an access easement along Route 29, located to the south of the Prallsville Mill complex, would significantly enhance accessibility to the D&R Canal path for residents in the northern part of the Borough. Five lots with commercial applications feature frontage on both Route 29 and the path. The Borough should assess whether any of these locations are suitable for the creation of an access easement and collaborate with the respective landowners to facilitate access to the D&R Canal path.

A comprehensive Borough-wide recreation and open space plan should be developed. The recreational aspects of the Borough are a principal asset to which access should be expanded for the benefit of residents and visitors as appropriate. Adoption of a Green Acres-approved Recreation and Open Space Plan will position the Borough for participation in Green Acres' Planning Incentive Grant Program which provides up to 50% grant funding for the purchase of land that supports outdoor recreation, open space and/or conservation purposes, which could also be used to develop the Borough Park as outlined in the Stockton Borough Park Master Plan. Additionally, coordinated signage themes, with "way-finding" elements to guide visitors, would help promote local recreation opportunities and improve safe traffic movements.

Ordinance and Zoning Recommendations

The Planning Board should consider the impact of Route 29 on existing residential uses and explore zoning options to foster business and retain the residential character of the existing buildings, such as home occupations and limited professional office use.

In addition, the Borough should review the toolbox of strategies presented in the 2006 Land Use Plan to identify if any should be adopted or further studied. These include FAR limitations on residential buildings, maximum building size restrictions, lot-of-record restrictions, building placement standards, an historic preservation overlay zone and the preparation of an Economic Development Plan.

C. 40:55D-89e 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: 12 A-1 et seq.) 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."

The Borough has not adopted a redevelopment plan pursuant to the "Local Redevelopment and Housing Law" and, therefore, the Planning Board does not need to comment on the incorporation of such a plan into the Land Use Plan Element.

C. 40:55D-89f 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.

The Planning Board recommends the development of public electric vehicle infrastructure when opportunities become available. The Borough has no public transportation, transit facilities, or public rest stops. As a use permitted by state law, there is no need to amend local regulations needed for the development of public infrastructure.

APPENDIX A

Vision Statement for the Borough of Stockton and Statement of Master Plan Goals and Objectives pursuant to N.J.S.A. 40:55D-28(b)(1) Adopted 2006

Stockton Borough is located in the southwestern portion of Hunterdon County, nestled along the Delaware River, and bisected by the Delaware River and Raritan Canal on the western side. The Borough has a diverse history, and is enriched with scenic, cultural and environmental resources. Flanked by the Delaware River to the south and a sloping ridgeline to the north, the landscape shapes a development pattern that highlights the Borough's long, historical link with the river. The forested and agricultural lands that currently surround the Borough's developed areas offer visitors and residents a sense of connection with the past. Stockton's vision of itself is to honor its historic antecedents, protect the Borough's natural resources and maintain the built and natural environment much as it is today.

The Borough's Master Plan goals and objectives are specifically tailored to Stockton's unique circumstances, including its geographic location and natural resource base, as well as the Borough's quaint, small town historic character and ambience as it has evolved over the last two centuries as a Delaware River town. The goals and objectives, and the means by which they may be achieved, are also guided by the available resources and constraints present in the natural and built environments. Effective land use planning seeks more than mere compatibility of uses in a spatial arrangement that is functionally efficient and aesthetically appropriate. Effective planning is the process that implements the community's vision of itself through policies, strategies and regulations consistent with the Borough's goals and objectives.

The Municipal Land Use Law (M.L.U.L.) states that the Master Plan shall generally comprise a report or statement and land use and development proposals with maps, diagrams and text, and a statement of objectives, principles, assumptions, policies and standards which are the bases of constituent proposals for the physical, economic and social development of the municipality (N.J.S.A. 40:55D-28(b)(1)). The Master Plan's goals and objectives respond to this provision in the M.L.U.L. This vision statement consolidates and adds to the goals and objectives of the Borough's Land Use Plan adopted on September 12, 2006 and Conservation Plan adopted November 16, 2005. The additions are consistent with the Borough's vision of itself.

Goals and Objectives

1. Protect the health, safety and general welfare of Stockton Borough Residents.

- a. Protect against local and downstream flooding.
- b. Encourage safe traffic and pedestrian patterns to ensure the safety of residents and visitors to the Borough.

- c. Encourage the use of new and existing access ways to increase public access throughout the Borough.
 - d. Protect the local, regional and state water supply and quality.
2. *Protect and maintain the existing variety of residential and non-residential opportunities in the Borough.*
- a. Encourage a range of retail and service activities at a scale designed to meet the everyday needs of the residents of Stockton and the region.
 - b. Maintain a healthy balance of residential and non-residential uses in Stockton.
3. *Protect and maintain the cultural and historic land use pattern in the Borough.*
- a. Preserve, protect and enhance the community's existing character.
 - b. Manage growth to protect Stockton's historic character and the existing scale of neighborhoods and commercial areas.
 - c. Encourage aesthetically pleasing design and construction techniques for context sensitive modifications to buildings.
 - d. Identify and encourage the protection of architecturally and historically significant structures and districts.
 - e. Protect and preserve scenic vistas.
 - f. Coordinate change in the Borough with all appropriate local, State and Federal agencies and regulations.
 - g. Protect pre-historic sites and their archeological artifacts; investigate, document, preserve, protect archeological resources.
4. *Promote and enhance Stockton as a cultural, commercial and tourism hub of the Delaware River communities.*
- a. Manage change consistent with historic and existing development patterns.
 - b. Encourage context sensitive redevelopment within a central business district, at a scale and intensity consistent with the Borough's historic development patterns.
5. *Protect and maintain natural systems and man-made infrastructure in the Borough.*

- a. Limit population densities to protect and respect the capacities of natural systems and man-made infrastructure capabilities, and protect the local and regional quality of life.
 - b. Preserve, protect and improve the ecological integrity and balance of the Borough's surface waters and their impacts on the Delaware River.
 - c. Protect and maintain wildlife and plant habitats.
6. *Provide adequate community services and facilities for Borough residents.*
- a. Expand the range of community services to meet the needs of the Borough.
 - b. Enhance the supply of recreational opportunities and facilities available for use by residents of Stockton.
7. *Preserve and promote opportunities for agricultural and horticultural activities in the Borough.*
- a. Preserve farmland capable soils for continued agricultural use.
 - b. Maintain agricultural and horticultural opportunities where possible in the Borough.
8. *Provide for adequate affordable housing to meet local needs and obligations.*
- a. Encourage the rehabilitation of housing units that may be now, or may become, substandard, especially to address the Borough's affordable housing obligation
 - b. Promote policies that limit any negative impact on community character.
9. *Protect and maintain the essential character of the Borough's natural environment.*
- a. Protect and maintain environmentally sensitive natural resources including floodplains, stream corridors, steep slopes, ridgelines, wetlands and their transition areas, important forests & woodlands, grasslands and unique critical habitat areas.
 - b. Preserve, to the maximum extent possible, environmentally sensitive lands and other lands needed for recreation and conservation purposes.
 - c. Promote a contiguous "greenbelt" and/or "bluebelt" along the perimeter of the Borough.
 - d. Promote the retention of open space and farmland throughout the community.
 - e. Promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses and opportunities.

- f. Promote the retention of open space throughout the community including the preservation of trees, natural vegetation, forests and agricultural land.
- g. Preserve wooded areas, including wetland forested areas, critical forest habitat and the 'neighborhood forest.'
- h. Recognize and protect wooded steep slopes, hillsides and the Borough's unique views and vistas.
- i. Limit disturbance and development of forests, meadows, grassland areas, steep slopes, ridgelines, scenic vistas and views, streams and their corridors, groundwater aquifers and recharge areas, wetlands and swampy areas, unique landscapes, and agricultural areas;
- j. Prevent contamination of ground water resources, protect recharge areas and maintain safe drinking water supplies;
- k. Identify wellhead protection and recharge areas.
- l. Protect existing stream corridors and establish policies aimed at protecting water quality;
- m. Encourage the preservation of natural vegetation and prevent the unnecessary cutting of trees along stream corridors;
- n. Preserve and protect high quality Category 1 (C-1) waterways, and where possible institute measures such as enhanced riparian buffering and restoration to renovate surface water quality.
- o. Reduce disturbance within floodplain areas whenever possible.
- p. Protect and improve the water quality of the Delaware River in accordance with the Lower Delaware River Management Plan.
- q. Limit disturbance within and require appropriate setbacks from stream corridors.
- r. Protect and preserve important farmland soils.
- s. Protect rural, open space areas from inappropriate suburban sprawl type development;
- t. Preserve farmland and historic sites and other historic resources;
- u. Protect historic sites, farmsteads, districts and the historic character of the cultural landscape.