



2019

# Master Plan Reexamination Report



ADOPTED ON JUNE 05, 2019

City of Lambertville, Hunterdon County, New Jersey

Clarke Caton Hintz | 100 BARRACK STREET | TRENTON, NJ | 08608

# 2019 Master Plan Reexamination Report

City of Lambertville, Hunterdon County, New Jersey

Adopted on June 5, 2019

Prepared for the City of Lambertville Planning Board by

**Clarke Caton Hintz:**

---

Emily R. Goldman, PP, AICP  
*Associate*  
NJPP License # 6088

---

Michael F. Sullivan, ASLA, AICP  
*Principal*  
NJPP License # 5153

*A signed and sealed copy is available at the municipal building.*

---

## PLANNING BOARD

Paul Kuhl, Chair  
John Miller, Vice Chair  
Julia Fahl, Mayor  
Elizabeth “Beth” Asaro, Council  
President  
Gina Fischetti  
Sarah Gold  
Filomena Hengst  
Lester Myers, Jr.  
Kevin Romano  
Elaine Clisham, Alternate One  
Michelle Komie, Alternate Two

---

## STAFF AND CONSULTANTS

Crystal Lawton, Secretary  
Timothy Korzun, Esq., Planning Board  
Attorney  
Robert Clerico, PE, Planning Board  
Engineer  
Emily Goldman, PP, AICP, Clarke  
Caton Hintz, City Planner

---

## TABLE OF CONTENTS

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
<b>2</b>	<b>Past Planning Efforts.....</b>	<b>4</b>
<b>3</b>	<b>Changes in Assumptions, Policies and Objectives at the Local, County and State Levels.....</b>	<b>16</b>
<b>4</b>	<b>Major Problems and Objectives at the Time of Adoption of the 2009 Reexamination Report, the Extent to which they have Changed &amp; Current Recommendations .....</b>	<b>26</b>
<b>5</b>	<b>Redevelopment Planning .....</b>	<b>41</b>

## 1 INTRODUCTION

The municipal Master Plan is a document, adopted by the Planning Board, which sets forth the policies for land use as envisioned by the municipality. The Master Plan is the principal document that addresses the manner and locations in which development, redevelopment, conservation and/or preservation occur within a municipality. It is intended to guide the decisions made by public officials and those of private interests involving the use of land. Through its various elements, the Master Plan sets out a vision for the community in the coming years.

### Periodic Reexamination

The governing body shall, at least every 10 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.

--- *NJSA 40:55D-89*

The Master Plan forms the legal foundation for the zoning ordinance and zoning map. New Jersey, among a handful of other states, specifically ties the planning of a community as embodied in the Master Plan with the zoning ordinance and zoning map. The zoning ordinance and map, which are adopted by the City Council, constitute the primary law governing the use of land at the local level. Under New Jersey's Municipal Land Use Law *N.J.S.A. 40:55D-1 et seq.*, (hereinafter "MLUL") a zoning ordinance must be substantially consistent with the land use plan.

A Reexamination Report is a review of previously adopted Master Plans, amendments and local development regulations to determine whether the ideas and policy guidelines set forth therein are still applicable. Under the MLUL, the Planning Board must conduct a general reexamination of its Master Plan and development regulations at least every ten years. Additionally, the MLUL now includes a waiver provision, where a municipality may waive the reexamination requirement through a determination by the State Planning Commission and the municipal Planning Board that the municipality is built-out, defined as there being no significant parcels, whether vacant or not, that currently have the capacity to be developed or redeveloped for additional use of the underlying land.

Five specific topics are to be considered in the Reexamination Report. These are:

- 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.*

### **Master Plan Reexamination**

CITY OF LAMBERTVILLE, HUNTERDON COUNTY, NJ

PAGE 1

- 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,” 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.<sup>1</sup>*

As the statute indicates, a reexamination of the master plan is an opportunity to evaluate the status of existing policies, in light of recent conditions, and to provide necessary direction for future planning efforts. A reexamination report may contain recommendations for the Planning Board to examine certain land use policies or regulations.

Lambertville has experienced no great shifts in the overall goals and objectives of its land use policies in the last ten years. The overarching public agenda of maintaining the City’s “small town” character and protecting its environmental resources, which has its genesis in the 1995 master plan, continues to provide the overall direction for the master plan and land development ordinances. The experience of over twenty years under this set of policies, and the incremental incorporation of new information, has led to the evolution of Lambertville’s’ Master Plan and Land Development Ordinance as they exist today.

While carrying forth recommendations from the 2009 reexamination report, this reexamination report addresses those topics that have arisen since the last Reexamination Report in 2009. Among others, these recommendations include:

---

<sup>1</sup> N.J.S.A. 40:55D-89

- Identify programs that can promote economic development;
- Evaluate existing and the creation of new land use ordinances and standards; and
- Identify sites with the City for redevelopment.

This reexamination report includes all of the required components pursuant to the Municipal Land Use Law:

- **Section 2** discusses the master plan elements, studies and reexamination reports previously adopted by Lambertville's Planning Board.
- **Section 3** identifies the relevant changes in assumptions, policies and objectives related to relevant characteristics of the City underlying the recommendations of the last reexamination report.
- **Section 4** combines three of the required elements of a reexamination report into a single section in order to address subjects within a consolidated framework that identifies:
  - Major problems and objectives at the time of adoption of the 2009 Reexamination Report;
  - Extent to which problems and objective have changed;
  - Recommendations for study of, or amendments to, the master plan or land development regulations.
- **Section 5** identifies areas where implementation of redevelopment, through the NJ Local Redevelopment and Housing Law (C.40A:12A-1 et al.), should be investigated.

## **2 PAST PLANNING EFFORTS**

The City Council and Planning Board have undertaken a continuous planning process and several ordinance updates since the last Reexamination Report was adopted on July 1, 2009. A review of the City's modern planning documents adopted by the Planning Board is summarized below.

### **1992 Environmental Resources Inventory**

After the 1989 Master Plan was adopted, the Environmental Commission began work on an Environmental Resources Inventory (ERI) of the City. The ERI documented ten factors that influence the City's environment, including geology, topography, soils, floodplains, and wetlands, among others. After considerable effort on the part of the Commission, the ERI was completed at the end of 1991. In January 1992, the Planning Board adopted the ERI as the City's Conservation Element. The Conservation Element constitutes part of the City's Master Plan.

### **1993 Steep Slope Ordinance**

The work of the Environmental Commission, though not yet completed at the time, found its way into an ordinance to implement part of the recommendations of the 1989 Master Plan - an ordinance being a local law in the municipality. The proposed ordinance was drafted and sent to City Council by the Planning Board in October 1990. In this document was the first attempt at controlling development on steep slopes which was increasingly of concern to the Planning Board. The Environmental Commission had amply documented the effects of uncontrolled development on steep slopes, even before the ERI was completely finished. It cited the effects of removing trees from hillsides on increasing storm water runoff volumes and velocity, thereby creating erosion hazards, affecting the content of moisture in soil, and eventually the type of vegetation that can be sustained. The draft zoning ordinance proposed limiting development depending on the gradient of the slope by reducing the density of housing permitted. Though the 1990 ordinance was not adopted, the groundwork discussions that took place led to a different steep slope ordinance that was passed in September 1993.



## 1995 Master Plan Goals and Objectives

The adoption of new goals and objectives shifted the emphasis on economic development in the 1989 Master Plan to a more diverse set of concerns. The 1995 Goals and Objectives are set forth below:

- 1) Preserve the historic integrity of the City.
- 2) Encourage new public park areas throughout the City for passive and active recreational areas.
- 3) Facilitate access to a variety of housing to meet the income, aesthetic and other personal requirements of the City's present and future population.
- 4) Seek long term solutions to problems of parking and traffic congestion, particularly truck traffic.
- 5) Encourage a greater diversity of personal service retail opportunities in appropriate areas throughout the City and encourage a balance of residential as well as commercial uses in the central business district.
- 6) Promote commercial, light industrial and office uses in appropriate areas throughout the City.
- 7) Preserve and protect environmentally sensitive areas, including but not limited to, flood plains, wetlands, and steep slopes.
- 8) Maintain a healthy balance of land use development and open space in order to protect existing public access and encourage future public access to the river front while preserving its natural assets.
- 9) Encourage the development of a capital improvement plan.
- 10) Encourage tree planting and maintenance of existing trees in order to enhance neighborhood quality.
- 11) Strive to preserve the natural, scenic, historic, aesthetic aspects of the community and its environment.
- 12) Promote the development of recreational opportunities for young people.

- 13) Encourage the formation of cooperative agreements with the County or adjoining municipalities for the provision of needed services in the regional area.
- 14) Foster regional planning with adjoining municipalities to achieve common objectives in a complementary - rather than competitive - manner.
- 15) In accordance with the American Disabilities Act (ADA), promote equal access for all people to facilities and structures throughout the City.
- 16) Encourage the development of community design goals so that new development is compatible with the surrounding character of buildings, streetscape and structures, and the preservation of property values.
- 17) Adopt State recycling goals as City goals for recycling.

### **1995 Housing Element and Fair Share Plan**

Concurrent with the 1995 Reexamination Report, the Planning Board also developed a Housing Element, adopting it on February 27, 1995 to address what is commonly called the second round rules of the NJ Council on Affordable Housing (COAH). A companion document, the Fair Share Plan, was adopted by City Council on March 3, 1995 as well as a resolution endorsing the plan and authorizing the City to petition COAH for certification. These two documents addressed the City's fair share obligation for affordable housing for the second round. The City's obligation of 21 units was entirely for indigenous need, meaning that its plan for affordable housing required the rehabilitation of existing housing units that do not meet the standards of the uniform construction code for habitability and were occupied by persons of low and moderate income. The Housing Element and Fair Share Plan received substantive certification from COAH on September 6, 1995.

### **1996 CBD and Waterfront Zoning**

The Planning Board determined, based on public comments received in the planning process, to more closely examine land use along the Delaware River waterfront following the adoption of the Reexamination Report and Housing Element. It was also during this time period in the early fall of 1995 that the City Council requested that the Planning Board undertake the drafting of an ordinance to address planning and zoning

issues of the parts of the waterfront centered at Bridge Street. This came in response to a proposal to significantly expand the uses and intensity of development around the Lambertville Inn and Station, the Lambertville's largest employer.

The zoning ordinance amendment extended the Central Business District (CBD) from the Delaware and Raritan Canal to the Delaware River and was adopted on January 22, 1996 by the City Council, but brought to the fore the need for more a more extensive review of all the land use issues along the river. Work on the Land Use Plan Element was accordingly bifurcated in mid-1996 to first examine the Delaware River waterfront and secondly to examine land use issues in the remainder of Lambertville. The Planning Board decided that the river frontage was the highest planning priority at this time. The Board also took advantage of an anonymous gift from a concerned citizen to the City that was earmarked for this purpose. Since additional funding was needed, the governing body also applied for and received a grant from the U.S. Park Service to further develop the 'Waterfront Plan' beginning in March 1997.

### **1997 Waterfront Plan**

The Waterfront Plan focused on the area between the Delaware and Raritan Canal and the Delaware River. It assigned three land use categories to the waterfront. The northern area of the waterfront, including Holcombe Island, was designated for Very Low Density Residential use, the middle part of the waterfront as Downtown Mixed Use, and the lower portion for Parks and Recreation purposes mainly encompassing the existing state park lands.

Commercial shad fishing was an important economic activity throughout the region but had declined because of water pollution. Successful efforts by industry and government to reduce water pollution has increased the shad population. The Lewis property is now the last remaining shad fishing enterprise in the area. The Lewis property is important in the traditional harvesting of shad from the River each spring and features prominently in the City's annual Shad Festival. The Waterfront Plan allows the commercial shad fishing to continue on the Lewis property.

Public hearings were held on September 10, October 15, and November 5, 1997 when final adoption was voted upon by the Planning Board. The key issue with the plan was the preservation of the waterfront in much of its natural state.

### **1998 Land Use Plan Element**

The Land Use Plan Element continued directly from the initial Planning Board efforts in developing the Waterfront Plan, being designed to effectuate the Goals and

Objectives Statement. It was built upon the other elements adopted by the Planning Board in conjunction with analysis of a number of factors, including, but not limited to, land use trends, environmental factors, demographic changes, traffic impact, goals for the City, public input and both County and State plans.

The Land Use Plan Element established four residential use categories: Low, Medium, and High Density and Multi-Family Residential. In addition, Downtown Mixed Use and Conservation also included significant residential components. Other non-residential classifications included Office, Highway Commercial, General Commercial, Institutional and Parks & Recreation districts. Several key issues formed the basis of the Master Plan: Relating residential density to existing environmental and traffic constraints, establishing satellite commercial districts outside of the downtown, examining the effects of tourism on land use, and balancing quality of life with development pressure. Examining these issues and the different viewpoints that accompanied them led to a number of drafts that were considered by the Planning Board. A series of public hearings occurred on December 3, 1997; January 7, and February 18 with the adoption of the Land Use Plan Element taking place on March 4, 1998.

Later, after the City Council began to review the revisions to the zoning ordinance to implement the Master Plan, the Planning Board reconsidered densities for the Conservation and Low Density Residential land use classifications, the area to be contained in Downtown Mixed Use and the class of land to be assigned to the Blair Tract. The Board then revised both the Waterfront Plan and Land Use Plan Element on September 28, 1998 to reflect the concerns raised by the City Council.

### **1999 Residential Zoning Ordinance Amendments**

Work on amending the zoning ordinance commenced in the late spring of 1998. Because of the large scope of work involved, the Planning Board, who was asked to undertake this task by City Council, bifurcated its task into two main parts - residential and non-residential districts. The residential part was drafted by the Planning Board and adopted on October 20, 1998 made effective on November 18, 1998. Subsequent landowner challenge of the ordinance led to a re-adoption of this portion of the zoning ordinance on November 15, 1999 to meet public notice requirements.

## **2000 Non-Residential Zoning Ordinance Amendments and Commercial Design Standards**

The non-residential districts and design standards portion of the Zoning Ordinance were drafted beginning in June 1999 and adopted in 2001. Commercial design standards using color pictures and graphics were developed co-jointly with the larger zoning ordinance amendments effort. The design standards were adopted in February 21, 2000 as an amendment to the Site Plan Ordinance.

## **2001 Historic Preservation Element**

The Planning Board adopted a Historic Preservation Element in 2001. The Historic Preservation Plan was one of the recommended master plan elements identified in the 1995 Re-Examination Report. The Plan builds on earlier documentation that led to the establishment of major portions of the City being listed on the State and National Registers of Historic Places. The Plan provides a list of recommended preservation projects and tasks, with the most significant being the recommendation of a new local historic district using the boundaries of the Central Business District.

## **2002 CBD Historic District and Architectural Guidelines**

As a direct result of the Historic Preservation Element, the City designated the Central Business District as a local historic district in 2002. Simultaneously, a Historic Preservation Commission was created to review development proposals and a set of architectural design guidelines was adopted to guide development within the district.

## **2003 Traffic Calming Plan**

In 2003, the City undertook an extensive traffic calming study that examined traffic and pedestrian conditions throughout Lambertville. The goals of the plan included reconnecting the city, increasing access and safety for pedestrians, providing on-street parking, reducing motor-vehicle speeds to levels more accommodating of pedestrians and improving streetscape aesthetics. A plan was drafted featuring various traffic-calming measures targeting the downtown area and intersections surrounding the elementary school. The plan incorporated context-sensitive design in keeping with Lambertville's historic character and emphasized active living options. Implementation of the plan is ongoing.

### **2005 Housing Element and Fair Share Plan**

In 2005 the City adopted a Housing Element and Fair Share plan in accordance with the third round COAH regulations then in place. Lambertville's adopted 2005 plan addressed a third round affordable housing obligation of 51 units, which consisted of a 27-unit rehabilitation share, a zero-unit prior round obligation, and 24 units from its third round growth share. Lambertville petitioned the Council on Affordable Housing for substantive certification of its plan on December 20, 2005. However, due to extensive litigation of the affordable housing rules and their later invalidation in large part, COAH did not review plans under the original third round regulations.

### **2005 Stormwater Management Plan**

In March 2005 the City's Stormwater Committee adopted a Stormwater Management Plan that provided a strategy to address stormwater runoff impacts within the City, which, due to the steep hillsides in its eastern half, are substantial. The plan outlined specific stormwater design and performance standards for new development and redevelopment. Additionally, the plan proposed stormwater management controls to address impacts from existing development. Preventative and corrective maintenance strategies were included in the plan to ensure long term effectiveness of stormwater management facilities. The plan also outlined safety standards for stormwater infrastructure to protect public safety.

### **2005 Growth Share Ordinance**

In 2005, and later amended in 2006, the City adopted a growth share ordinance that requires an 11.1% affordable housing set-aside for developments with 5 or more lots/units and a contribution-in-lieu for all other residential and non-residential development (subject to certain exemptions).

### **2006 Stormwater Ordinance**

As a result of the recommendations of the Stormwater Committee, the City adopted a stormwater ordinance in April 2006. This ordinance established minimum stormwater management requirements and controls for major development with the goal being to reduce the amount of non-point source pollution entering surface and ground waters. The City was the first municipality in the State to adopt a stormwater ordinance to enforce the stormwater provisions and a set of mitigation measures.

## **2006 ECHO Housing Ordinance**

In August 2006 the City revised its Elder Cottage Housing Opportunity (ECHO) ordinance to permit these stand-alone dwelling unit as accessory uses in the R-1 and R-L zoning districts instead of conditional uses. This has had the effect of greatly facilitating the implementation of this housing type.

## **2007 Swan Creek Flood Damage and Mitigation Report**

The City of Lambertville entered into an agreement with the United States Department of Agriculture in January of 2006 to study the feasibility of an engineering solution to the Delaware River back-flooding into Swan Creek that impacts neighboring homeowners and businesses. The study developed five structural and non-structural alternatives to alleviate this type of flooding and recommended further study of the financial and environmental costs and benefits associated with each option.

## **2008 Environmental Resource Inventory**

The City adopted a revised Environmental Resource Inventory (ERI) in May 2008. The purpose of the revised ERI was to update detailed information about natural resources and open spaces within the City's boundaries. By updating the initial ERI and presenting current information, the revised ERI provides baseline data and becomes a tool to be used in monitoring changes that might occur in connection with land use and water resources. Additionally, the revised ERI is intended to inform the City's residents about environmental resources in Lambertville, thereby stimulating interest in the judicious use and protection of these resources.

## **2008 Housing Element and Fair Share Plan**

Municipalities that had not received substantive certification under the initial Third Round rules and wished to continue with the COAH process (such as Lambertville) were required to re-petition COAH for substantive certification under its revised 2008 rules by December 31, 2008. As such, on December 3, 2008, the City adopted a Housing Element and Fair Share Plan and Spending Plan in accordance with the June 2, 2008 Third Round COAH regulations then in place. Lambertville's adopted 2008 plan addressed a third round affordable housing obligation of 70 units, which consisted of a 37-unit rehabilitation share, a zero-unit prior round obligation, and 33

units from its third round growth share. Lambertville petitioned the Council on Affordable Housing for substantive certification of its plan on December 31, 2008. Objections were received by COAH, mediation never ensued and COAH took no action on the City's 2008 Third Round Plan, nor did it approve the City's proposed Spending Plan, prior to the Appellate Court decision on October 8, 2010, invalidating COAH's Third Round growth share methodology, or prior to the issuance of the Supreme Court decision in September 2013, which invalidated the Amended Third Round regulations.

### **2009 Community Design Guidelines**

Through a grant from the New Jersey Office of Smart Growth, Lambertville developed a set of design guidelines for new construction and renovation of existing structures. The guidelines seek to preserve the existing character of Lambertville's diverse neighborhoods and ensure infill development is compatible with the historic nature of the City's buildings. The guidelines will replace the existing architectural guidelines for the Central Business District. The guidelines were adopted in September 2009.

### **2009 Reexamination of the Master Plan and Subsequent Ordinance Amendments**

This Reexamination Report was prepared pursuant to the Municipal Land Use Law and was adopted by the Planning Board on July 1, 2009. The key recommendations of that document were to investigate new redevelopment opportunities, address flood control, and revise, update, and consolidate/codify land use ordinances. It also recommended the creation of a sustainability master plan element and implementation of the City's Traffic Calming Plan.

### **2009 Flood Insurance Rate Maps**

In September 2009, the City of Lambertville adopted new Flood Insurance Rate Maps to replace the previous version from 1981. This replacement was part of the Federal Map Modernization process. During that update, NJDEP realized that the Delaware River cross sections were interpolated between bridge crossings and contained significant errors. The NJDEP with FEMA initiated a map revision process that was not ready for the September 2009 adoption and FEMA insisted on keeping the Hunterdon County schedule. A Letter of Map Revision, incorporating new LiDAR topography, newly surveyed cross-sections and new Hydrology and Hydraulics modeling was adopted through ordinance by the City on February 21, 2012. The Flood Insurance Study and Flood Insurance Rate Maps have the effective date of May 2, 2012.

#### ***Master Plan Reexamination***



The City of Lambertville regulates development on the most recent FIRM and FIS in concert with its Flood Damage Prevention ordinance.

### **2011 Steep Slopes Ordinance**

In response to the 2009 Reexamination Report, the City adopted a revised Steep Slopes ordinance in 2011 that requires deviations from the provisions and requirements contained in §519 of the City's Zoning Ordinance to become a variance application rather than a design exception.

### **2012 Community Rating System**

In 2012, the City joined the Federal Emergency Management Agency ("FEMA"), National Flood Insurance Program ("NFIP") Community Rating System ("CRS"), which reduces the City's flood risk vulnerability and helps save lives and property when a flood occurs. In achieving greater resiliency, the program provides discounts to flood insurance premiums within and outside the Special Flood Hazard Area (or 1% annual chance floodplain, or commonly called the 100-year floodplain). The City entered the program as a Class 8 community awarding a 10% discount to policyholders in the Special Flood Hazard Area. The City increased its participation to Class 7 (15% discount) on completion of a five-year cycle in 2017.

### **2014 Historic District Expansion**

In 2014, the City expanded the Lambertville Historic District to include the C-2 Service Commercial and the C-3 General Commercial zoning districts.

### **2016/2017 Community Rating System Cycle Ordinance Amendments**

Amendments to ordinances were made as part of the 2016/2017 CRS cycle with the City becoming a Class 7 community.

- The General Code of the City of Lambertville, Chapter X, Building and Housing was amended to include a new provision requiring real estate disclosure of the Special Flood Hazard Area with specific wording to included "Flood insurance is required for a federally regulated mortgage." The City's intension was to have a prospective buyer aware of this requirement on the front end of the real estate process;

### ***Master Plan Reexamination***

- For Chapter XIX, the Flood Damage Prevention ordinance, the City has added the definition of a critical facility and specified requirements for uses that meet that definition; prohibition is desired from the 0.2% annual chance flood; if unavoidable, the structure must be elevated or floodproofed up to the 0.2% flood elevation;
- The Stormwater Management Ordinance has an added retention standard to address the volume of runoff. In addition to some “cleanup” of the ordinance, there is an added provision to locally regulate erosion design for steep slopes for areas disturbing at or over 150 square feet of land. Another amendment added is to allow a representative of the City access to inspect stormwater management facilities.

### **2018 Housing Element and Fair Share Plan**

On November 7, 2018, the City adopted an Amended Third Round Housing Element and Fair Share Plan. Lambertville’s adopted 2018 plan addressed a third round affordable housing obligation, as identified in the May 22, 2018 Settlement Agreement between the City and Fair Share Housing Center (FSHC), of a 1-unit rehabilitation share, a zero-unit prior round obligation, and a 137-unit third round obligation (gap + prospective need). The Settlement Agreement reflects Lambertville’s vacant land adjustment (VLA), which adjusts the Third Round new construction obligation to an 88-unit realistic development potential (RDP) and a 49-unit Unmet Need. This 2018 Third Round Housing Element and Fair Share Plan incorporates and implements the terms of the 2018 Settlement Agreement between the City and FSHC and will serve as the foundation for the City’s application for a Judgment of Compliance and Repose by the Court.

### **2018 Affordable Housing Ordinance**

On November 26, 2018, the City adopted an Affordable Housing Ordinance, prepared in accordance with COAH’s substantive rules and UHAC, as required by the 2018 Settlement Agreement between the City and FSHC. The Affordable Housing Ordinance will govern the establishment of affordable units in the City as well as regulating the occupancy of such units. The City’s Affordable Housing Ordinance covers the phasing of affordable units, the low/moderate income split, very-low income units, bedroom distribution, occupancy standards, affordability controls, establishing rents and prices, affirmative marketing, income qualification, etc. One exception to UHAC, pursuant to the 2008 amendments to the FHA, P.L. 2008, c. 46 (codified as N.J.S.A. 52:27D-329.1), municipalities must provide very low-income units equal to

13% of all affordable units approved and constructed after July 1, 2008 at 30% of the regional median income instead of the UHAC standard of 10% at 35% of the regional median income.

### **2018 Lambertville High School Redevelopment Plan**

On November 26, 2018, the City adopted the Lambertville High School Redevelopment Plan. The Lambertville High School Redevelopment Plan encompasses the entirety of a redevelopment area designated by the Lambertville City Council on June 19, 2018 (Resolution No: 100-2018). The Lambertville High School Redevelopment Plan is intended to provide a framework of regulations for the development of vacant and underutilized lands for the creation of affordable housing within the City of Lambertville. It permits a maximum of 139 units consisting of 67 townhouse dwellings and 72 multifamily rental apartments, of which at least 20% of the total residential units, but no less than 28 units, shall be family rental affordable housing units.

### 3 CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES AT THE LOCAL, COUNTY AND STATE LEVELS

Several state, regional, county and local planning events have occurred subsequent to preparation of the 2009 Reexamination. The following section identifies the changes in assumptions, policies and objectives that have occurred as a result of those changes and which land use and planning policies in the City of Lambertville.

#### 2001 State Development and Redevelopment Plan

In March, 2001 a new State Development and Redevelopment Plan was adopted by the State Planning Commission. As with the first State Plan (adopted in 1992), the 2001 State Plan delineated a series of Planning Areas based on natural and built characteristics and sets forth the State's vision for the future development of those areas. The five Planning Areas (listed in descending order from the most developed to the least developed condition) include the Metropolitan Planning Area (PA1), Suburban Planning Area (PA2), Fringe Planning Area (PA3), Rural Planning Area (PA4) and Environmentally Sensitive Planning Area (PA5.).

In April 2004, the State Planning Commission released a Preliminary Plan proposing amendments to the 2001 State Plan, triggering a third round of the State Plan Cross-Acceptance process. While significant input was gathered from municipalities and Counties during the Cross-Acceptance process, this Plan was never adopted.

Rather, a new State Plan, the State Strategic Plan: New Jersey's State Development & Redevelopment Plan, was drafted and released in 2012. This draft State Plan takes a significantly different approach than the 2001 State Plan with the elimination of Planning Areas in favor of "Investment Areas". The Plan identifies four investment areas to be used for identifying locations for growth, preservation and related investments (listed in descending order from the most developed to the least developed

#### Reexamination Requirement "c"

- 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.

--- NJSA 40:55D-89

#### Master Plan Reexamination

condition): Priority Growth, Alternate Growth, Limited Growth and Priority Preservation. The locations of the Investment Areas are determined not by a State Plan Map, as in the past, but by a criteria-based system applied during State agency decisions on investments, incentives and flexibility on State land use regulations, programs and operations.

After a series of public hearings at various locations throughout the State, the 2012 Plan was scheduled for adoption by the State Planning Commission on November 13, 2012. However, the adoption was delayed to further refine the Plan and to better account for the impact of Superstorm Sandy which occurred on October 30, 2012. No Plan revisions have been released to date and no further public hearings on the Plan have been scheduled. Until such time as a new State Plan is adopted, the 2001 State Plan remains in effect. The City will monitor the State's efforts toward adopting a new State Plan and respond accordingly.

### **COAH Third Round**

On December 3, 2008, Lambertville adopted a revised Third Round Plan that addressed the City's affordable housing obligation under the Council on Affordable Housing (COAH)'s 2008 third round rules. Objections were received by COAH, mediation never ensued and COAH took no action on the City's 2008 Third Round Plan, nor did it approve the City's proposed Spending Plan, prior to the Appellate Court decision on October 8, 2010, invalidating COAH's Third Round growth share methodology, or prior to the issuance of the Supreme Court decision in September 2013, which invalidated the Amended Third Round regulations.

#### ***Challenge to COAH's 2008 Third Round Rules***

COAH's first iteration (2004) as well as its second iteration (2008) of its Third Round rules were challenged in an Appellate Division. The first iteration of the Third Round rules was invalidated in 2007, and on October 8, 2010, the Appellate Division invalidated several key provisions of COAH's second iteration of the Third Round rules, specifically, the "growth share" based rules governing fair share need and calculation.

Various parties brought the case to the New Jersey Supreme Court, which in 2013, directed COAH to revise and adopt a third iteration of its Third Round rules by March 8, 2011 using a methodology similar to COAH's first and second round methodologies. Subsequent delays in COAH's rule preparation and ensuing litigation led to the Court, on March 14, 2014, setting forth a schedule for adoption of COAH's rules.

Although ordered by the New Jersey Supreme Court to adopt a third iteration of the Third Round rules on or before October 22, 2014, COAH deadlocked 3-3 at its October 20, 2014 meeting and failed to adopt the new rules. This put COAH in violation of the Supreme Court's Order. A motion in aid of litigant's rights was then filed with the NJ Supreme Court by the Fair Share Housing Center (FSHC).

### ***Transfer to Courts***

On March 10, 2015, the Supreme Court issued a ruling on the motion in aid of litigant's rights (In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015)). This decision dissolved the substantive certification process established in the Fair Housing Act (FHA) because COAH caused it to become a futile administrative remedy, and held that the review and approval of all exclusionary zoning matters would now be heard by trial courts, rather than by COAH. The Supreme Court did not, however, rule on the precise methodology that would govern the calculation of fair share numbers. Instead, the Supreme Court offered general guidance and left it to the trial courts through the 15 designated Mount Laurel judges to decide.

The Supreme Court further held that, for a municipality to be protected from exclusionary zoning lawsuits, it had to file a declaratory judgement action seeking a judicial declaration that its Housing Plan Element & Fair Share Plan complies with the Third Round affordable housing obligation. It is expected that the Mount Laurel trial judges will review municipal plans much in the same manner as COAH previously did. Those towns whose plans are approved by the trial court will receive a Judgement of Repose, the court-equivalent of COAH's substantive certification. The City filed its declaratory judgement action on July 8, 2015.

On January 17, 2017, the NJ Supreme Court issued a decision *In Re Declaratory Judgment Actions Filed By Various Municipalities*, 227 N.J. 508 (2017) that found that the "gap period," defined as 1999-2015, generates an affordable housing obligation. This obligation requires an expanded definition of the municipal Present Need obligation to include low- and moderate-income households formed during the gap period. Accordingly, the municipal affordable housing obligation is composed of the following four (4) parts: Present Need (rehabilitation), Prior Round (1987-1999, new construction), Gap Present Need (1999-2015, new construction), and Prospective Need (Third Round, 2015 to 2025, new construction).

FSHC is an interested party in the City's declaratory judgment, and in 2018, the City entered into successful negotiations with FSHC to identify its fair share obligation and preliminarily how that obligation would be satisfied. These negotiations resulted in a Settlement Agreement between the City and FSHC that was executed by the City on May 22, 2018. The Court issued an Order on October 11, 2018 stating that the

Settlement Agreement was fair to the interests of low and moderate income households.

On November 7, 2018, the Lambertville Planning Board adopted an Amended Third Round Housing Element and Fair Share Plan and Spending Plan, which was endorsed by the Governing Body on December 3, 2018. The 2018 Amended Third Round Housing Plan incorporates and implements the terms of the 2018 Settlement Agreement between the City and FSHC and will serve as the foundation for the City's application for a Judgment of Compliance and Repose by the Court.

### **Robert's Bill**

In addition to the COAH Third Round judicial activity, there have been a number of efforts at statewide affordable housing reform over recent years. The most significant occurred on July 17, 2008, when Governor Corzine signed P.L. 2008, c.46, known as the "Roberts Bill", which amended the Fair Housing Act in a number of ways. Key provisions of the Roberts bill include the following:

- Eliminated regional contribution agreements ("RCAs");
- Added a requirement for 13% of third round affordable housing units to be restricted to very low income households (30% or less of median income);
- Established a statewide 2.5% nonresidential development fee instead of a nonresidential growth share delivery obligation for affordable housing; and
- Established a requirement that development fees be committed for expenditure within four years of being received by the municipality.

Moreover, on July 27, 2009, Governor Corzine signed the "NJ Economic Stimulus Act of 2009", which instituted a moratorium on the collection of nonresidential affordable housing development fees set forth by the "Roberts Bill". The moratorium has been extended to nonresidential property which had site plan approval prior to July 1, 2013 and a permit for the construction of the building prior to January 1, 2015.

In light of the "Roberts Bill", on or about July 17, 2012 Governor Christie anticipated recouping \$140 million for the 2013 budget from uncommitted monies in municipal affordable housing trust funds which are four years old or older. However, on July 14, 2012 the Appellate Division issued an Order that outlined a process for municipalities to resolve disputes with COAH over their trust funds. This process included a notice from COAH outlining the amount of funds subject to forfeiture and the basis for the calculation. The court order further permitted municipalities to contest any proposed forfeiture before the COAH Board prior to any transfer of funds. The issue of trust

fund forfeiture remains unresolved to this day. The City will monitor the State's regulation of affordable housing trust funds.

### **Time of Application Law**

The "Time of Application" Law was signed on May 5, 2010 and took effect on May 5, 2011. The effect of this statutory change is that the municipal ordinance provisions that are in place at the time an application for development is filed are those which are applicable, regardless of whether or not an ordinance is amended subsequent to such an application. This is a departure from previously established case law, where courts in New Jersey have consistently held that the ordinance that is in place at the "time of decision" (the moment the Planning Board or Zoning Board of Adjustment votes on the application) is the law that applies to the application.

This provision raised many concerns with municipalities. Principal among these is whether the new law provides opportunities for developers to have their development rights "locked in" by submitting applications that are incomplete. The City should revise the Land Use Regulations to revise the definition of "application for Development" to state that the documents required for approval is defined as all of the required information within the relevant development application checklists unless waivers for such information have been granted by the Board having jurisdiction. This amendment shall require that a complete application be submitted by an applicant prior to "locking in" the current municipal ordinance provisions.

### **Water Quality Management Planning**

On November 7, 2016, the New Jersey Department of Environmental Protection (NJDEP) adopted amended Water Quality Management Planning (WQMP) regulations, N.J.A.C. 7:15-1 et seq. The new rules will streamline the wastewater planning process and eliminate the burdensome duplication of requirements found previously in both wastewater planning and other NJDEP permitting programs, such as reducing the number of analyses required and simplifying the water quality planning process. The County anticipates submitting a new Wastewater Management Plan to the NJDEP by June 30, 2019. The City should continue to assist the County in its efforts and provide the necessary information requested to the County.



## Wireless Telecommunications Facilities

There have been two changes to the regulation of wireless telecommunication facilities. The first, a federal law, prohibits municipalities from denying a request by an “eligible facility” to modify an existing wireless tower or base station if such a change does not “substantially change” the physical dimensions of the tower or base station. The term “eligible facility” means any existing wireless tower or base station. The term “substantial change” is not defined by the law. Until regulation or case law is issued on this topic, Lambertville will need to carefully interpret this on a case by case basis.

The second regulatory change is an amendment to the Municipal Land Use Law, N.J.S.A. 40:55D-46.2. This new section states applications for collocated equipment on a wireless communications support structure shall not be subject to site plan review provided three requirements are met: 1) the structure must have been previously approved; 2) the collocation shall not increase the overall height of the support structure by more than 10 percent, will not increase the width of the support structure, and shall not increase the existing equipment compound to more than 2,500 square feet; and 3) the collocation shall comply with all of the terms and conditions of the original approval and must not trigger the need for variance relief.

## Renewable Energy Legislation

The New Jersey Legislature has been active since the 2009 Reexamination Report legislating to facilitate the production of alternative forms of energy. The following three new statutes, in particular, have changed the way alternative energy can be produced in New Jersey.

- **Industrial Zones.** The Municipal Land Use Law was amended March 31, 2009 to pre-empt local zoning authority and to permit, by right, solar, photovoltaic, and wind electrical generating facilities in every industrial district of a municipality. To be eligible for this permitted use, a tract must be a minimum size of 20 contiguous acres and entirely under one owner. However, even if lots were consolidated within the G-3 General Commercial district, they would not achieve the 20-acre minimum lot size.
- **Inherently Beneficial Use.** The Municipal Land Use Law was amended to define inherently beneficial uses and to include solar, wind and photovoltaic energy generating facilities in the definition.
- **Solar Not Considered Impervious.** On April 22, 2010 an act exempting solar panels from being considered impervious surfaces was signed into law. This bill exempts solar panels from impervious surface or impervious cover designations.

It mandates that NJDEP shall not include solar panels in calculations of impervious surface or impervious cover, or agricultural impervious cover and requires that municipal stormwater management plans and ordinances not be construed to prohibit solar panels to be constructed and installed on a site.

In 2013, the City of Lambertville and the Township of West Amwell jointly launched the South Hunterdon Renewable Energy Cooperative (SHREC) Community Energy Aggregation. The purpose of SHREC is to create purchasing leverage and provide an opportunity for residents of the City and the Township to save money on their electric bills. Through two rounds of the SHREC Community Energy Aggregation program, it is estimated that the City and Township residents have saved close to \$1 million in aggregate.

### Open Space Preservation

In November of 2014 New Jersey voters approved, via referendum, a constitutional amendment that will dedicate money from a business tax toward open space preservation. While it has not yet been decided how these funds will be allocated, the referendum will lead to a continuous funding stream for open space preservation and stewardship.

Lambertville has increased its efforts to obtain funding for open space preservation. Lambertville continues to actively acquire undeveloped tracts for open space preservation, with particular attention to those tracts that impact critical environmental resources. Mechanisms employed by the City include fee simple purchase, purchase of development rights, donations and preservation of open space through the cluster subdivision provisions. Lambertville supports these activities through tax revenue and through partnerships with the State of New Jersey Green Acres, Hunterdon County, and private nonprofit land trusts.

As of March 2019, 29.9 acres have been preserved as City-owned open space and 49.59 acres of State-owned land have been preserved. Lambertville is currently negotiating with the State over the transfer of ownership of Cavallo Park to the City. The City will continue to pursue open space preservation, supported by Green Acres funding, County and local funding sources and with the aid of private nonprofit land trusts.

Moreover, the Hunterdon County Planning Board adopted the Hunterdon County Strategic Park and Open Space Plan on December 6, 2018. The County Park Plan envisions the County's Park System as a comprehensive strategy of achieving a number of public policy goals beyond its role as supplier of outdoor recreation facilities and programs and a guide to allocating County Open Space Tax funds. The plan identifies the role of municipalities is to "*control the design and arrangement of development and the*

*installation of infrastructure to serve development and mitigate the on-site and off-tract impacts of development. ... Municipalities can prepare creative and legally defensible Master Plan policies as the basis for zoning and other land use development and site design ordinances to arrange where and how much development can occur and where environmentally critical lands should be left undisturbed.”* The City should evaluate the effectiveness of its Land Use Plan Element and land use ordinances for protecting environmentally critical lands.

### **Hunterdon County Comprehensive Economic Development Strategy (CEDS)**

In December 2014, Hunterdon County adopted a Comprehensive Economic Development Strategy plan. The key recommendations from the CEDS include the following:

- Repurposing vacant and underutilized commercial and industrial properties will provide additional housing (affordability) and jobs (ratables).
- Implement transportation projects leading to the provision of public transit, addressing affordability challenges and automobile-dependency.
- Create a friendlier business environment through the provision of quality and adequate capacity infrastructure (water/sewer/broadband/electric redundancy) and workforce training, ensuring a healthier Hunterdon County labor supply.
- Channel development to appropriate areas, focusing on “centers of development,” maintaining and improving Hunterdon County’s current quality of life and rural atmosphere.
- Encourage collaboration and cross-education, communication, and sharing of information within the county and between municipalities creating a collective impact.
- Foster local economic development by enhancing the tourism industry in Hunterdon County through its cultural, recreational, historic, and agricultural assets.

Lambertville should identify mechanisms to create a friendlier business environment for its private sector investors so that business leaders and developers cease to look toward neighboring municipalities for opportunities to invest. The City should also collaborate with the Hunterdon County Chamber of Commerce, the designated Destination Marketing Organization for Hunterdon County, to promote tourism within Lambertville.

## Lambertville Public School Facility

The South Hunterdon Regional School District Board of Education is evaluating its District Wide Master Plan. The City of Lambertville believes the Lambertville Public School adds value to the City. The City desires to continue to be a walkable school district.

## Redevelopment Opportunities

In the late 1990's several large properties underwent redevelopment or adaptive reuse. The Old Trenton Cracker factory was transformed into offices, a micro-brewery and a fitness center. The Lambertville House was rehabilitated and reopened as a small hotel. The Diamond Silver factory was renovated for offices and the Laceworks building was renovated and converted from an industrial use to a commercial use. In a combination of rehabilitation and new construction, the Riverwalk complex was developed for office uses. By and large, these projects helped to create a bigger office market that has been one of the goals of the Master Plan.

Perhaps the biggest redevelopment or rehabilitation challenge has been on Connaught's Hill, the middle rise of the three bluffs on the east side of town. The Commons, a residential area of gridded streets that extends into West Amwell, was designated a Redevelopment Area in 2002. A redevelopment plan was subsequently adopted in 2003. This area is a mixture of well-kept homes among obsolete, abandoned, and blighted residential properties, trash filled lots, and junked automobiles. Sanitary sewer was extended to The Commons by the Lambertville Sewerage Authority utilizing federal funding in the early 1990's. The City seeks to improve this area through legal mechanisms available by statute for rehabilitating and redeveloping run down property. The City is currently working with residents to address title problems on vacant lots. The program will not displace any residents or property owners.

The former high school on Washington Street sits at the top of the bluff above Rt. 179 and has been vacant since a fire destroyed much of the building in 1992. Access to the site is difficult because of the steepness of Washington Street and its angle of intersection with Rt. 179. This area was added to the existing redevelopment area in 2003. Subsequently, the City re-designated the former high school and surrounding vacant parcels as a redevelopment area in 2015. In June 2018, the City designated the former high school and surrounding lands as a condemnation redevelopment area and adopted a redevelopment plan in November 2018.

## Gateways and Scenic Byways

Route 29 is designated as the Delaware River Scenic Byway and is also part of the National Scenic Byway program. This program comes from two federal transportation acts, the Intermodal Surface Transportation Efficiency Act (ISTEA) and its successor, the Transportation Efficiency Act for the 21st Century (TEA-21). Both of these programs encourage the designation of scenic byways by state transportation departments. In turn, money is earmarked for enhancing the scenic corridor. This might include billboard and scenic easement purchases, establishing gateways as one enters the City, removal of overhead utility lines and similar beautification and preservation projects. Since most of Lambertville is on the National and State Registers of Historic Places, any government projects must be designed to preserve its historic character. The Delaware River, which forms the western boundary of Lambertville, has been designated a Scenic River and is now a part of the national Wild and Scenic River system. It forms a gateway to the City from Pennsylvania. This designation may create opportunities for future recreation and scenic enhancements. These designations may provide funding for significant enhancements to the City and its immediately surrounding environs.

## Route 29 Improvements

For most of 2007, the New Jersey Department of Transportation constructed improvements to Route 29 that include sidewalk improvements, storm drainage improvements, crosswalks, ADA compliant depressed curbs, and realignment of the roadway for additional improved drainage. Part of the temporary traffic detours has included making North Union Street one way northbound. After a favorable reaction from residents, there has been discussion about making this traffic pattern permanent. Further study is necessary to determine the long-term effect of this on traffic flow throughout the rest of the City and the cooperation of the Department of Transportation.

#### 4 MAJOR PROBLEMS AND OBJECTIVES AT THE TIME OF ADOPTION OF THE 2009 REEXAMINATION REPORT, THE EXTENT TO WHICH THEY HAVE CHANGED & CURRENT RECOMMENDATIONS

The 2009 Reexamination Report provided a series of recommendations. Some of these have been addressed, some are no longer relevant and some remain as potential action items. The following provides a summary of the 2009 recommendations, an evaluation of their current relevance and current recommendations for City planning policies and land use ordinances.

##### Master Plan Elements

***It is recommended that a Historic Preservation Element and the Circulation Element be updated expeditiously as the City's fiscal situation will allow.***

This recommendation continues to be relevant. The Historic Preservation Element was adopted in 2001. An update of the circulation element has yet to be addressed; however, the 2003 traffic calming plan has gone a long way towards addressing the circulation problems that have been encountered in the City. With the exception of the Housing Element and Fair Share Plan adopted in 2018, in general, the City's Master Plan elements were adopted between 1998 to 2005.

##### Recommendations:

- The goals and objectives should be reviewed and amended to support the

##### Reexamination Requirements “a”, “b”, and “d”

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

--- NJSA 40:55D-89

##### Master Plan Reexamination

current goals of the City and to support any revisions to the Master Plan and land development regulations recommended in this report.

- The Master Plan elements should be reviewed and updated, within five years, to support the goals and objectives of the City and any land development regulations recommended in this report.
- The City should adopt a full Master Plan update within five years.

## **Affordable Housing**

***Continue to seek substantive certification from the NJ Council on Affordable Housing for its affordable housing plan.***

This recommendation continues to be relevant; however substantive certification is now obtained from the Courts instead of COAH. The process and rules regarding municipal affordable housing obligations have been in turmoil over the past decade due to ongoing litigation.

On November 7, 2018, the Lambertville Planning Board adopted an Amended Third Round Housing Element and Fair Share Plan and Spending Plan, which was endorsed by the Governing Body on December 3, 2018. The 2018 Amended Third Round Housing Plan incorporates and implements the terms of the 2018 Settlement Agreement between the City and FSHC and will serve as the foundation for the City's application for a Judgment of Compliance and Repose by the Court. Additionally, as required by the 2018 Settlement Agreement, the Governing Body adopted an Affirmative Marketing Plan on November 20, 2018 and an updated Affordable Housing ordinance, including a mandatory set-aside ordinance, on November 26, 2018.

### ***Recommendation:***

- Identify inclusionary zoning opportunities.
- Ensure affordable housing units and projects are consistent with State/Court standards.
- Collect affordable housing funds and use them wisely.
- Complete annual monitoring on the status of all affordable housing activity and housing trust fund activity as required by the 2018 Settlement Agreement with FSHC.

- By July 1, 2020, provide a status report as to the implementation of the 2018 Amended Housing Element and Fair Share Plan and an analysis whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity.
- Complete a review of the City's very-low income housing requirements within 30 days of the third anniversary of the 2018 Settlement Agreement with FSHC dated May 22, 2018 and every third year thereafter.

### Citywide and Historic District Design Guidelines

***The City should monitor the efficacy of these guidelines and make any amendments or revisions it deems necessary to improve their effectiveness.***

This recommendation continues to be relevant. The City adopted Community Design Guidelines in September 2009 that provides a set of architectural and development controls aimed to ensure new development is compatible with the existing neighborhood character throughout Lambertville.

#### ***Recommendations:***

- Review and amend the design guidelines to incorporate additional environmental and landscaping considerations as necessary.
- Monitor the efficacy of these guidelines and make any amendments or revisions as necessary.
- The City should determine if the design guidelines should be incorporated into the Zoning ordinance as standards or remain as a separate guideline document.

### Update and Consolidate/Codify Land Development Ordinance

**The city's zoning, site plan, subdivision, and other land use ordinances should ideally be consolidated into a single unified land development ordinance. Outdated and obsolete ordinances should be removed.**

This recommendation has been satisfied. The City codified its zoning, land development review, and subdivision ordinances in 2016. Outdated and obsolete ordinances have been removed. No further action is necessary.



## Flood Control

***The City should continue to address flood control through a combination of physical improvements and regulatory measures. The municipality should investigate the need for zoning changes and changes to the subdivision and site plan ordinances to facilitate flood prevention within flood prone areas.***

This recommendation continues to be relevant. Lambertville is vulnerable to direct flooding from the rising on the Delaware River and back-flooding local tributaries. Major floods on the Delaware River impacting Lambertville occurred historically in October 1903, March 1936, and August 1955 (record flood), and then most recently in September 2004, April 2005, and June 2006. Heavy rains feeding into the Alexauken, Ely, and Swan creeks can create immediate, localized flash floods. High water velocities, clogging of storm drains, stream bank erosion, and even stream bank failure have all be by-products of flooding from these waterways. Flooding also can occur when heavy rainfalls collect on the hills and rush into our neighborhoods, as was most recently evidenced during Tropical Storm Irene in 2011.

### ***Status of Mitigation Projects***

The City has submitted multiple HMA grant applications to NJOEM for mitigation along Swan Creek with no award from FEMA due to other mitigation activity prioritization. The City teamed with the Lambertville Municipal Utility Authority to progress an application to the New Jersey Environmental Infrastructure Trust, the State's revolving fund for environmental projects. To date this has not been successful.

The City has investigated mitigation options for Lambert Lane, but due to the complexity of attached structures, no applications have been advanced. The area to the north of Cherry Street that is not protected by the Ely Creek project is being considered by the US Army Corps of Engineers (USACE). The USACE has advanced a concept plan to construct levee/floodwalls for this area. The City has been contacted by the USACE and the City has provided feedback on technical and governance questions.

Not specifically contained as a project in the 2016 Hunterdon County multi-jurisdictional Hazard Mitigation Plan is the Hibernia Firehouse, a critical facility, that experienced stream bank scour in Irene and Lee (August through October 2011). To protect the foundation, the City may submit a grant application in the 2019 HMA round to progress stream bank stabilization. The City, Hibernia, Fisherman's Mark (tenant) and NJOEM are in discussions as of the date of this report.

Lastly, a generator was installed at City Hall that serves as the EOC during emergencies. Generators were subsequently installed at the Justice Center and the Lambertville Public Library to act as public refuges during emergencies.

**Recommendations:**

- The City should continue to work with the State to identify how to implement the Swan Creek Flood Control mitigation measures.
- The City should identify any additional areas affected by flooding to study.
- Incorporate the existing Hazard Mitigation Plan into the City's Master Plan.

### **Steep Slope Ordinance Revision**

***Deviations from the provisions of the existing steep slope ordinance (§519) are currently permitted as exceptions from the Planning Board or Board of Adjustment. As infill development has increased on the hillsides, the importance of adherence to these provisions has become more apparent. Therefore, the Steep Slope Ordinance should be revised so that deviations from the provisions and requirements contained in §519 of the City's Zoning Ordinance become a variance application rather than a design exception.***

This recommendation has been satisfied. The City adopted a revised Steep Slopes ordinance in 2011 that requires deviations from the provisions and requirements contained in §519 of the City's Zoning Ordinance to become a variance application rather than a design exception. No further action is necessary.

### **City Traffic Calming Plan**

***The City should continue to implement Lambertville's Traffic Calming Plan to promote a safe and attractive environment for pedestrians, cyclists and traveling vehicles.***

This recommendation continues to be relevant. In 2007, curb bump-outs and streets were installed throughout the lowlands of the City. In 2009, with funding assistance from the Delaware River Joint Toll Bridge Commission, curb bump-outs, street trees, new benches, and decorative street lighting were installed downtown.

**Recommendations:**

- The City should pursue becoming an American Bike City.
- The City should evaluate alternatives to speed humps to promote traffic calming.

## Landscaping Ordinance

***The City's landscaping ordinance should be reviewed for its overall effectiveness in implementing the master plan goals and objectives. In particular, consideration should be given to tree removal, tree planting and additional landscaping requirements for subdivision applications.***

This recommendation has yet to be addressed and remains valid.

### ***Recommendations:***

- Amend the City's planting requirements, §510, to identify appropriate tree species for Lambertville, prohibit invasive species, encourage native and adapted species, encourage xeriscaping, and to require plantings to be done consistent with standards by the American Nurseryman Standards.
- Tree and plant selection should be done carefully to ensure species have an appropriate salt tolerance, will have a mature size that is appropriate for its location, and represent a variety of species throughout the City (rather than a monoculture that is more vulnerable to disease).
- Planting schedules should be required at the time of application submission to the Planning or Zoning Board of Adjustment.
- Adopt a tree removal and tree replacement ordinance.

## Sustainability Master Plan Element

***With the assistance of the Lambertville Environmental Commission, a new Sustainability Master Plan Element should be prepared to encourage and promote the efficient use of natural resources and the installation and usage of renewable energy systems in the City.***

***Recommendation:*** This recommendation has yet to be addressed and remains valid.

## Center Designation

***The City should pursue an application to the Office of Smart Growth for center designation, pursuant to the New Jersey State Plan.***

This recommendation is still relevant. In March, 2001 a new State Development and Redevelopment Plan was adopted by the State Planning Commission. As with the first State Plan (adopted in 1992), the 2001 State Plan delineated a series of Planning Areas

based on natural and built characteristics and sets forth the State's vision for the future development of those areas. The five Planning Areas (listed in descending order from the most developed to the least developed condition) include the Metropolitan Planning Area (PA1), Suburban Planning Area (PA2), Fringe Planning Area (PA3), Rural Planning Area (PA4) and Environmentally Sensitive Planning Area (PA5.).

All of Lambertville, with the exception of the D&R Canal State Park, is designated under the 2001 State Plan within the Rural Environmentally Sensitive Area (PA4A).

In April 2004, the State Planning Commission released a Preliminary Plan proposing amendments to the 2001 State Plan, triggering a third round of the State Plan Cross-Acceptance process. While significant input was gathered from municipalities and Counties during the Cross-Acceptance process, this Plan was never adopted.

Rather, a new State Plan, the State Strategic Plan: New Jersey's State Development & Redevelopment Plan, was drafted and released in 2012. This draft State Plan takes a significantly different approach than the 2001 State Plan with the elimination of Planning Areas in favor of "Investment Areas". The Plan identifies four investment areas to be used for identifying locations for growth, preservation and related investments (listed in descending order from the most developed to the least developed condition): Priority Growth, Alternate Growth, Limited Growth and Priority Preservation. The locations of the Investment Areas are determined not by a State Plan Map, as in the past, but by a criteria-based system applied during State agency decisions on investments, incentives and flexibility on State land use regulations, programs and operations.

After a series of public hearings at various locations throughout the State, the 2012 Plan was scheduled for adoption by the State Planning Commission on November 13, 2012. However, the adoption was delayed to further refine the Plan and to better account for the impact of Superstorm Sandy which occurred on October 30, 2012. No Plan revisions have been released to date and no further public hearings on the Plan have been scheduled. Until such time as a new State Plan is adopted, the 2001 State Plan remains in effect. The City will monitor the State's efforts toward adopting a new State Plan and respond accordingly.

### **Route 29 Scenic By-Way Designation**

***The City should consider pursuing grants and scenic/recreational opportunities to promote and enhance the Route 29 Scenic By-Way.***

This recommendation continues to be relevant. The City has been working with the New Jersey Department of Transportation to evaluate the need for two lanes in each

direction for the segment of Route 29 between the southern municipal boundary and the traffic signal at Swan Street. It has been determined that this segment of Route 29 can be reduced to one travel way in each direction, creating on-street parking. It is anticipated that this segment of Route 29 will be re-striped in 2019.

***Recommendations:***

- A comprehensive approach to the streetscape along the segment of Route 29 between the southern municipal boundary and Mt. Hope Street to enhance the Route 29 Scenic By-Way corridor should be considered.
- The City should evaluate the northern segment of the Route 29 Scenic By-Way corridor between Arnett Avenue and the northern municipal boundary to determine if any opportunities to enhance the corridor exists through landscape design, lighting, crosswalks, etc.

## **State and National Historic District**

***The City should continue to support and promote its listing on the state and National Register of Historic Places.***

***Recommendation:*** This recommendation continues to be relevant.

## **Stormwater Management Plan and Ordinance Revisions**

The NJDEP introduced proposed changes to the Stormwater Management Rules (N.J.A.C. 7:8). Generally, the NJDEP proposes to amend the Stormwater Management Rules (SWM Rules) to provide more clarification in the rules. The Rule changes with the most impact on stormwater management planning fall into three areas: (1) Modification/clarification of existing definitions or the addition of new definitions that will affect the approach to the application of stormwater management measures for various types of development; (2) Replacement of the requirement to provide nonstructural stormwater management strategies with specific standards, called Green Infrastructure, to use in meeting the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards; and (3) Updates the Freshwater Wetland Protection Act and Flood Hazard Area Control Act rules to make consistent with the amendments to the Stormwater Management Rules. It is anticipated the new SWM Rules will be adopted in February 2020.

***Recommendation:***

- Evaluate and revise the Stormwater Management Plan and related stormwater management ordinances to be consistent with the anticipated new NJDEP Stormwater Management rules, as necessary.

## **Land Use Ordinances**

The City's Land Subdivision ordinance was created in 1971, its Land Development ordinance in 1977, and its Zoning ordinance in 2001. The City should review and update the existing ordinances, as necessary, and adopt new ordinances as needed.

***Recommendations:***

- Evaluate alternatives to porous asphalt and update the design standards as necessary.
- Evaluate the specifications for curb cuts and update the design standards as necessary.
- Create standards for enclosed porches on the front façades of buildings.
- Create standards for exterior storage.
- Evaluate the ordinances to ensure there are no obstacles for public use, such as for a "parklet".
- Create standards for trash and refuse receptacles near the D&R Canal towpath and park entrances.
- Review and update the lighting standards to identify minimum and maximum lighting levels, uniformity ratios, lighting hours (including security), and limit light trespass and glare. Additionally, the standards should require fixtures to be fully shielded and downward facing.

## **Parking**

The supply of parking continues to be limited in both residential and commercial districts throughout the City. Residential parking standards are governed by the New Jersey Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21-1 et seq. The City's nonresidential parking standards date back to April 2001 when the Zoning ordinance was initially adopted.

Off-street parking requirements have different meanings for new buildings and existing buildings. For a new building, parking requirements determine the number of spaces that a developer must supply. For an existing building, parking requirements limit the uses that a city will allow or variance relief is required.

Lambertville is composed of older buildings in which over half were constructed prior to 1949. Parking requirements triggered by a change of use within an existing building severely limits the possible occupants for older buildings and stunts the economic development of older areas. With an evolving nonresidential mix within the Central Business District, the number of requests for parking variances has increased.

***Recommendations:***

- Manage vehicle parking throughout the City in a manner that is safe, convenient, protects the character of the area, and can accommodate future changes in the paradigm related to parking and transportation systems (self-driving cars, mass transit services, etc.).
- All nonresidential parking requirements should be merged into one location within the zoning ordinance in order to eliminate conflicts and duplications.
- Evaluate the nonresidential parking standards within the commercial districts and amend them as necessary.
- Investigate areas with a potential for off-street parking within the City, including remote lots or a public parking garage.
- Consider establishing a payment in lieu of providing parking program that developers could opt to pay a fee instead of providing the required off-street parking. Such a fee could be used for the provisions of public parking.
- Pursue shared service agreements with neighboring municipalities to purchase parking related items in bulk.
- Evaluate the establishment of a Parking Authority.
- Evaluate locations throughout the City to add alternative energy charging stations.

## **Marijuana Related Land Uses**

The State of New Jersey has already begun to increase the number of medical marijuana licenses and is moving towards a vote to legalize adult recreational

marijuana use in 2019. The proposed legislation includes four classes of marijuana licenses:

- Grower (Class 1) – grows, cultivates or produces...may sell to other growers, processors, wholesalers or retailers but not consumers...can also be referred to as “cannabis cultivation facility”.
- Processor (Class 2) – processes cannabis items by purchasing cannabis, manufacturing, preparing, and packaging cannabis items and selling to other processors, wholesalers, or retailers but not consumers...can also be referred to as “cannabis product manufacturing facility”.
- Wholesale (Class 3) – sells cannabis items or paraphernalia for the purpose of resale to either wholesaler or retailer.
- Retail (Class 4) – purchases cannabis from grower and cannabis items from processor or wholesaler and sells them to consumers from a retail store.

Municipalities will have 180 days to enact an ordinance prohibiting the operation of one or more classes of cannabis establishments after the effect date of the bill approving adult marijuana use. Failure to enact an ordinance prohibiting the operation of one or more classes shall result in any class being permitted as follows:

- The growing, cultivating, process, and selling and reselling of cannabis and cannabis items by a cannabis grower, processor, or wholesaler shall be permitted uses in all industrial zones;
- The selling of cannabis items to consumers from a retail store by a cannabis retailer shall be a conditional use in all commercial or retail zones, subject to meeting the conditions set forth in any application zoning ordinance or receiving a variance from one or more of those conditions in accordance with the Municipal Land Use Law.

***Recommendations:***

- Identify locations within the City suitable for medical marijuana.
- Evaluate if Lambertville is a suitable location for any or all of the four classes of adult marijuana licenses.
- Adopt standards related to the time, location, and manner for each class of marijuana license permitted within the City.



- Impose a separate local licensing or endorsement requirement as a part of the City's restrictions on time, location, manner, and the number of cannabis businesses.

## **Streetscapes/ Street Trees**

Well-designed thoroughfares can enhance aesthetics, improve pedestrian and bicycle safety and access, and attract visitors to commercial shopping districts.

### ***Recommendations:***

- Prepare a streetscape study for the Central Business District that identifies how streetscape elements, such as lighting, street trees, street furniture, banners, signage, stormwater management, pedestrian and bicycle facilities, etc. can best be incorporated into the streetscape.
- Incorporate green infrastructure into the streetscape where appropriate.
- Conserve trees along rights-of-way and continue the tree planting program.
- Review and update the recommended street tree list as necessary.
- Implement the annual action items identified in the City's NJDEP-approved Community Forestry Management Plan.
- Create a replacement plan for the Pin Oak trees within the Central Business District as they become infected by bacterial leaf scorch, a fatal disease.
- Monitor and create plans, as necessary, to manage tree impacts as a result of the Emerald Ash Borer and Spotted Lantern Fly.
- Identify hot-spots within the City that may require additional trees to mitigate for heat island impacts.

## **Arts and Culture**

The City should promote art and culture as a way to honor its history, expand the nonresidential uses that are attracted to the City, and promote the quality of life and visitor destinations in the City.

***Recommendations:***

- Art and culture should be integrated in land use and zoning decisions, and street design.
- Evaluate the establishment of local public funding to commission and/or maintain public art.
- Inventory the City's arts and culture assets, identify shortfalls in the types of arts and culture uses present in the City.
- Identify a siting process and criteria for public art (murals, sculptures, etc.).
- Identify those uses (live/work housing, etc.), programming and other actions necessary to support the City's vibrant art and culture community.
- Coordinate with regulatory authorities to gain access to for public art on public property.
- Establish standards related to murals.
- Establish a memorandum of understanding with utility companies to allow for murals on infrastructure boxes within the public rights-of-way.
- Evaluate the establishment of an Arts and Culture Commission.

**Short Term Rentals**

The City should continue to regulate short term rentals (i.e. a rental that is less than six months), such as but not limited to AirBnB.

***Recommendations:***

- Continue to monitor the short term and long term desirability of the use in the City and the impact on the neighborhoods in which they are located, including increased activity in otherwise quiet neighborhoods, increase parking demand, and contribution to rising home prices.
- Evaluate the establishment of a permit process, similar to the existing landlord registration.

## Improvement District

An Improvement District (whether business, or special, or downtown or some other name) is a model for management of the municipality's commercial corridor. The Improvement District provide a mechanism for the businesses and property owners of a community to organize as a single entity, to raise funds for activities that enhance or expand upon municipal services, and through a District Management Corporation, to manage themselves to become a more effective destination for commerce. An Improvement District is a mechanism to improve the economic, physical, social, and civic value of the commercial district.

### *Recommendations:*

- Evaluate the establishment of an Improvement District for the Central Business District.
- Evaluate the need to identify or create a District Management Corporation (DMC), a non-profit organization, separate and distinct from the City, governed by a board comprised of at least 50% +1 business and property owner stakeholders.
- Pursue State funding related to economic development.

## Smart Cities

Smart cities leverage information and communication technologies to enhance service levels, citizen well-being, sustainability, and economic development. Data collected can be used to enhance the quality and performance of urban services such as energy, transportation and utilities in order to reduce resource consumption, wastage and overall costs. Digital technology can be used to monitor parking space availability, detect rubbish levels in containers to optimize trash collection routes, reporting potholes, or the quality of tap water. Fifth generation (5G) technology would enable energy grids, traffic signals and emergency services linked to reduce inefficiencies.

### *Recommendations:*

- Research smart cities technologies and determine if the City should deploy any of them.
- Pursue funding related to smart cities technology.
- Create design standards for wireless telecommunications infrastructure located within the City's rights-of-way to reduce visual impacts to the historic district.

- Encourage the development and maintenance of vital small businesses within the community.

### **Black River and Western Railroad**

Black River and Western Railroad (BR&W) is working to restore passenger excursion train service to Lambertville. The portion of their railroad that connects to Lambertville has not been used in regular service since 1997. BR&W has been clearing brush, replacing ties, and making preparations for their train service to return to the City. Once operational, the BR&W will connect Lambertville to Ringoes, Flemington, and Three Bridges. The passenger train service is estimated to begin in 2021-2022.

#### ***Recommendations:***

- Maintain an open dialogue with BR&W to be informed about any preparation work along the railine.
- Continue to negotiate use of the anticipated new parking area to be constructed adjacent to the new railroad station for tourist parking.
- Create standards for a railroad station within the Parks and Recreation District, including but not limited to, minimum lot sizes, setbacks, screening, lighting, etc., in a manner which will promote the public health, safety, morals and general welfare of the community.
- Adopt a Circulation Element that identifies the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road, and rail within the City.

## 5 REDEVELOPMENT PLANNING

*As a densely developed, built-out community, Lambertville should continue to investigate redevelopment opportunities both within the downtown core area and on the hillsides. The municipality should continue to investigate options for the redevelopment of the former High School site and adopt a redevelopment plan to guide the transformation of that parcel into a productive use.*

This recommendation continues to be relevant. There are several areas of the City where there may be a potential for reuse and/or redevelopment of existing development sites which are currently vacant and/or underutilized due to a variety of factors. Such areas may benefit from the utilization of the NJ Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.) where enhanced zoning and fiscal tools may prove effective in implementing land use policies. These areas include:

- Northern Gateway. The northern gateway into the City along the Route 29 corridor should be reviewed for sites that may qualify for redevelopment, such as the CVS Pharmacy lot or Village Apartments property, or other similarly situated properties. The southern portion of the CVS site, at the corner of N. Main and Cherry Streets, is an underutilized property that contains a mixture of retail businesses with apartments on second floors. The Village Apartments is a multi-family complex with substandard, unsafe, unsanitary buildings, as identified in the most recent NJ Department of Community Affairs inspection report, dated March 6, 2019. Redevelopment may create opportunities for renewal of these and other obsolete and dilapidated sites.

### **Recommendation:**

- Compile listing of candidate properties in these areas for sites for preliminary investigation to determine if they would qualify as an “area in need of redevelopment” pursuant to New Jersey’s Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.)

### **Reexamination Requirement “e”**

- 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

--- NJSA 40:55D-89

- Consider a “scattered site” approach to redevelopment planning where non-contiguous properties qualify for designation as redevelopment areas within districts.
- Undertake an Area of Need of Rehabilitation investigation for the tract comprising Block 1053, Lots 2 & 3, which contains the former Young Men’s Athletic Club, for the purposes of providing affordable housing.
- Undertake an Area of Need of Redevelopment investigation for Block 1004, Lots 1 and 3 (the CVS lot and Village Apartments).