

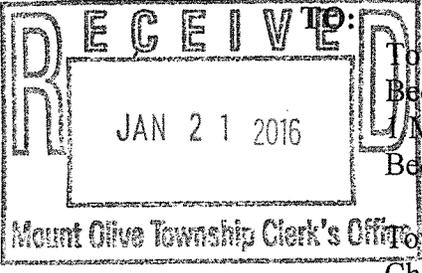


# WASHINGTON TOWNSHIP

MUNICIPAL OFFICES  
MORRIS COUNTY  
LONG VALLEY, NJ 07853

9/21/16  
JGJ  
CC: P/oa/zon  
Adm

43 Schooley's Mtn. Rd.  
908-876-3315  
Fax 908-876-5138



Township Clerk  
Bedminster Township  
Miller Lane  
Bedminster, NJ 07921

Township Clerk  
Mansfield Township  
100 Port Murray Road  
Port Murray, NJ 07865

Township Clerk  
Chester Township  
1 Parker Road  
Chester, NJ 07930

Township Clerk  
Township of Mt. Olive  
P.O. Box 450 – Route 46  
Budd Lake, NJ 07828

Municipal Clerk  
Town of Hackettstown  
215 Stiger Street  
Hackettstown, NJ 07840

Morris County Planning Board  
P.O. Box 900  
Morristown, NJ 07963-0900  
Attn: Rene Axelrod, Planning Aide

Township Clerk  
Lebanon Township  
530 West Hill Road  
Glen Gardner, NJ 08826-6400

Township Clerk  
Tewksbury Township  
169 Old Turnpike Road  
Califon, NJ 07830

**FROM:** Nina DiGregorio  
Township Clerk

**DATE:** January 18, 2016

Pursuant to N.J.S.A. 40:55D-15, attached is Ordinance RO-03-16, An Ordinance of the Township Of Washington, County of Morris, and State of New Jersey to Amend Chapter 217, Zoning, of the Code of the Township of Washington to Amend the Musconetcong Age-Restricted Housing Overlay Zone was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Washington, in the County of Morris, State of New Jersey, held on **January 18, 2016**. It will be considered for final passage after a public hearing thereon, at a meeting of said Township Committee to be held in the Township of Washington Municipal Building in said Township on **February 10, 2016** at 7:30 pm and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Township of Washington Municipal Building to the members of the general public who shall request the same.

cc: Washington Township Planning/Zoning Official

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON,  
COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO  
AMEND CHAPTER 217, ZONING, OF THE CODE OF THE  
TOWNSHIP OF WASHINGTON REGARDING THE  
MUSCONETCONG AGE-RESTRICTED HOUSING  
OVERLAY ZONE**

**BE IT ORDAINED**, by the Township Committee of the Township of Washington, in the County of Morris, and State of New Jersey, as follows:

**SECTION 1.** Chapter 217, Zoning, Article III, Use Regulations, Section 217-24.1, Musconetcong Age-Restricted Housing Overlay Zone, of the Code of the Township of Washington, Morris County, New Jersey, is hereby amended and supplemented to read as follows:

**“§217-24.1 Musconetcong Age-Restricted Housing Overlay Zone**

A. Purpose. The purpose of this overlay zone is to provide an optional alternative to the underlying OR/I Zoning to permit the development of housing and services for the growing population of senior citizens in Washington Township and the surrounding region. The intent is to restrict the housing to the senior citizen population and to permit related health care, recreational and social services, which are required by the population.

B. Principal permitted uses.

- (1) Age-restricted attached and detached dwelling units.
- (2) Multifamily dwelling units restricted to low and moderate income senior citizen households
- (3) Supportive and special needs housing for low and moderate income persons and households.
- (4) Senior healthcare uses and facilities, healthcare support facilities and skilled rehabilitation nursing facilities such as:
  - (a) Assisted living residences.
  - (b) Long-term care and subacute care skilled nursing facility.
  - (c) In-patient & out patient rehabilitation facility.
  - (d) Health and wellness center.
  - (e) Medical offices.
  - (f) Personal service uses.
  - (g) Restaurant (for residents, staff and visitors of Heath Village and affiliated communities and facilities, including assisted living residence, skilled nursing facility, in- and out-patient rehabilitation facility, health and wellness center).
- (5) Adult day-care facility/intergenerational child-care facility.

C. Permitted accessory uses.

- (1) Off-street parking.
- (2) Recreational, social, cultural and communal facilities including active recreation and equestrian uses and passive recreation trails providing access throughout the tract and along the Musconetcong River.
- (3) Agricultural use where agricultural use is defined as land devoted to the production for sale of plants and animals useful to man, including but not limited

to forages and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding, boarding, raising, rehabilitating, training or grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products or when devoted to and meeting the requirements and qualifications for a farmland assessment under new Jersey's Farmland Assessment Act of 1964.

(4) Appurtenant woodland where appurtenant woodlands is defined as a wooded piece of property which is contiguous to, part of, or beneficial to a tract of land, which tract of land has a minimum area of at least five acres devoted to agricultural or horticultural uses other than the production for sale of trees and forest products, exclusive of Christmas trees, to which tract of land the woodland is supportive and subordinate.

(5) Necessary accessory buildings and uses, including facilities for maintenance, administration, streets and off-street parking facilities.

D. All development in the Musconetcong Age-Restricted Housing Overlay Zone shall comply with the standards of § 217-55.1."

**SECTION 2.** Chapter 217, Zoning, Article VI, Supplemental Regulations Governing Certain Uses, Section 217-55.1, Musconetcong Age-Restricted Housing Overlay Zone, of the Code of the Township of Washington, Morris County, New Jersey, is hereby amended and supplemented to read as follows:

**"§217-55.1 Musconetcong Age-Restricted Housing Overlay Zone**

A. The following are the minimum lot sizes for the principal uses of the zone:

- (1) Age-restricted housing development: 25 acres under the ownership or control of a single entity and the subject of a development application.
- (2) Senior health care uses: 150,000 square feet.
- (3) Adult day-care facility/intergenerational child-care facility: 80,000 square feet.
- (4) Multifamily dwelling units restricted to low and moderate income senior citizen persons and households: 20,000 square feet per building

B. The following are the maximum lot areas which can be devoted to certain principal uses in the zone:

- (1) Senior healthcare uses and facilities, healthcare support facilities and skilled rehabilitation nursing facilities such as, but not limited to Assisted living residences. Long-term care and subacute care skilled nursing facilities, In-patient & out patient rehabilitation facility, Health and wellness center, and Medical offices: 10 acres.
- (2) Adult day-care intergenerational child-care facility: five acres.

C. The following are the overlay zone design standards:

- (1) There shall be no access to Newburgh Road. External and internal vehicular and pedestrian circulation shall provide safe and efficient traffic and pedestrian movement acceptable to the Planning Board.
- (2) The development shall include a comprehensive internal pedestrian and bicycle circulation plan, which includes access to adjacent commercial areas on both sides of Route 24 and existing Heath Village. Crosswalk pedestrian access shall be provided across Schooley's Mountain Road. A pedestrian trail and public access easement shall be provided along the northern edge of the tract from Schooley's Mountain Road to the Musconetcong River. The easement area shall be a maximum of fifteen (15) feet wide. The tread width of the trail shall be a maximum of five (5) feet wide and improved only as necessary for safe pedestrian access and environmental conditions. No off-street parking spaces

shall be required for the public. Public access limited to pedestrians shall be preserved by an easement in a form acceptable to the Township Attorney.

(3) All natural and regulated areas not proposed for development, recreational or agricultural use shall be preserved by a conservation easement in a manner acceptable to the Planning Board and in a form acceptable to the Township Attorney.

(4) A phasing plan shall be submitted which includes the proposed schedule of development, including the installation of improvements. Such plan shall be subject to the review and approval of the Planning Board.

(5) Each age-restricted housing or assisted living development shall engage in a contract with a private ambulance/medical transport service for their residents. In addition, private transportation service shall be provided by the development for residents' access to shopping, medical appointments and to meet residents' everyday transportation needs.

(6) At least 35% of the tract shall be set aside as open space and shall be subject to an open space deed restriction. Open space areas may include agricultural uses as defined herein, and shall include the pedestrian access easement in accordance with § 217-55.1.C.(2) above.

(a) Approximately 6 to 7 acres, more or less, of the southeast corner of Block 19, Lot 7 shall be included within the required open space set aside, the configuration of which shall be determined by the Planning Board at the time of site plan approval. This open space set aside shall maintain the existing open field condition of the Schooley's Mountain Road and Newburgh Road corner and to maximize retention of the distant views across the Musconetcong River Valley as viewed from the two roads across the open field. Agricultural use and appurtenant structures, the existing HMUA well pump house, fencing and landscaping are permitted within this open space area. One-family and two-family attached 1 and 1-1/2 story residential dwelling units may be located adjacent to this open space area, provided that all units, required yards, roads and buffering are located within 360' from the common property tract boundary with Block 19, Lot 7.01. Limited grading immediately adjacent to permitted residential development may be approved by the Board within the required open space area.

(b) Open Space Management Plan – an open space management plan shall be submitted for Board review and approval, which shall identify all proposed open space and management areas, which may include meadow, forest, agriculture, nature interpretation areas, improved or unimproved walking and hiking paths and other passive recreation uses. Agriculture-related structures such as, but not limited to pastures, corrals, riding rings, barns, run-ins or other agricultural use structures may be included in the open space management plan, subject to the Board's environmental consultant's comments and Planning Board approval.

(c) Open Space Deed Restriction – An open space deed restriction shall be granted to the Township for the required 35% tract area open space and the open space management plan, which shall identify approved open space uses and improvements as permitted in b. above. Nothing herein shall preclude future changes to the open space management plan, subject to the provisions of (b) above, approval by the Planning Board and acceptance by the Township Committee.

(7) All development in the overlay zone shall be served by municipal sewers and municipal water.

(8) All roads and parking facilities in the development shall be privately owned and maintained. At the time site plan application is submitted, the developer shall demonstrate that adequate provisions for road maintenance and removal of snow shall be established and maintained at all times.

D. Age-restricted dwelling units area, yard and building requirements.

- (1) Minimum tract area. The minimum tract area for the development of age-restricted dwelling units in this zone shall be 25 acres, under the ownership or control of a single entity and the subject of a development application, provided that an area of less than 25 acres may be added to an existing age-restricted housing development if contiguous thereto and in compliance with the provisions of this chapter.
- (2) Density. The maximum residential density permitted shall be not more than six dwelling units per acre, which excludes the acreage devoted to senior healthcare uses and facilities, healthcare support facilities and skilled rehabilitation nursing facilities and day care.
- (3) Tract frontage and width. The minimum tract frontage and width shall be 200 feet.
- (4) Setback from rights-of-way. The minimum building setback from existing public rights-of-way shall be 150 feet.
- (5) Setback from property boundaries. The minimum building setbacks shall be:
  - (a) 150' from Schooley's Mountain Road and Newburgh Road rights-of-way.
  - (b) 100' from preserved farmland.
  - (c) 75' from all other tract boundaries.
- (6) Setback from internal roadways.
  - (a) The minimum building setback from internal roadways shall be 25 feet from the right-of-way.
  - (b) Where there is no right-of-way, the minimum building setback shall be 25 feet from the edge of pavement.
  - (c) There shall be a four (4) feet setback of the sidewalk from any curb and the sidewalk shall be a minimum of four (4) feet wide.
- (7) Setback from sidewalk.
  - (a) There shall be a minimum 24 feet building (garage) setback from the edge of the sidewalk
- (8) Dwelling configuration.
  - (a) Market-rate dwellings shall be provided as detached or attached units.
  - (b) Low and moderate income housing may be provided in multifamily buildings.
  - (c) Attached units may not be provided in groups of more than 4 dwelling units per building, except that low/moderate/special needs attached units may be provided in buildings of no more than 20 units, subject to the density limitations set forth in Subsection D.(2) above.
- (9) Distance between residential buildings. The minimum distance between residential buildings shall be as follows:
  - (a) Front to front: 75 feet.
  - (b) Rear to rear: 50 feet.
  - (c) Rear to side: 35 feet.
  - (d) Side to side: 20 feet.

- (10) Building coverage. The maximum building coverage shall be not more than 20% of the tract area.
- (11) Improved lot coverage. The maximum improved lot coverage shall be not more than 30% of the tract area.
- (12) Building height. The maximum building height shall be no greater than 35 feet.
- (13) Buffer. There shall be a landscaped or naturally vegetated buffer area of at least 50 feet in width located around the perimeter of the tract and adjacent to preserved farmland. Where the tract abuts Block 19, Lot 7.01, the buffer width shall be 25 feet. The Planning Board may modify buffer planting requirements where, in the opinion of the Planning Board, the objective of preserving open views and scenic vistas may be better achieved.
- (14) Parking. The number of parking spaces for the age-restricted dwelling units shall be pursuant to the requirements of the New Jersey Residential Site Improvement Standards and shall be not less than 1.5 spaces per dwelling unit. Parking spaces within garages apply to this requirement and driveway parking spaces shall be at least 22 feet long, exclusive of any sidewalk area. Parking shall be provided in proximity to the community building and recreational facilities at a ratio of four parking spaces per 1,000 square feet of gross floor area. Where possible, shared parking with other uses in the zone shall be employed in order to minimize the number of spaces provided. Should the developer be able to demonstrate that fewer parking spaces are needed, the area proposed for the construction of the excess spaces may be reserved for their future construction.
- (15) Design standards. Where not specifically modified herein, all other design standards shall be pursuant to the New Jersey Residential Site Improvement Standards.
- (16) Community center and recreation amenity. The age-restricted housing development shall include a centrally located community building and appropriate recreational amenities to serve the residents of the development, which may include a performing arts center. The community building shall be a minimum of 4,000 square feet.
- (17) Affordable housing.
- (a) Each age-restricted housing development shall include an affordable housing set-aside of 20% of the units built within the development.
- (b) Affordable housing provided on-site within the development may be provided as rental units in two-story multifamily buildings.
- (c) Up to 100% of the required affordable housing units may be provided offsite.
- (d) Affordable units may be provided offsite on Block 20, Lot 72, which shall conform to the use, bulk and density zoning requirements for the zone in which the affordable units may be located.
- (e) Beds in a State-licensed assisted living residence reserved for Medicaid-eligible persons, in accordance with P.L.2001, c.234 (C: 26:2H-12.16 through -21), may be provided offsite to satisfy a portion of the affordable housing set-aside requirement.
- (f) Expiring affordability controls on existing affordable housing units off-site in the Township may be extended to satisfy the affordable housing set-aside requirement, in accordance with applicable rules adopted by the New Jersey Council on Affordable Housing and codified at N.J.A.C. 5:97-6.14, as modified by the Supreme Court, subject to approval as to form by the Township Attorney.

(g) If affordable units are provided offsite to satisfy the set-aside requirement, the developer shall have an obligation to provide affordable housing units calculated as follows: total residential units approved in the site plan multiplied by 0.2.

(h) If affordable units are provided offsite, the affordable units must be completed and provided in accordance with the standard schedule relating the minimum percentage of low and moderate income units completed to the maximum percentage of market-rate units that may be completed, found at §217-80.B.

(i) A fee-in-lieu of constructing some or all of the affordable housing units on-site may be negotiated between the Township of Washington and the developer in accordance with N.J.A.C. 5:93-8.10(c).

(18) Architectural review. The purpose of this subsection is to provide the Planning Board with building elevations for approval of the appearance of all buildings proposed in the age-restricted development. Such review shall be guided by the following design objectives:

(a) Style. Generally, building facades should incorporate vernacular architectural style and elements which reflect historic development styles of the long valley and Hackettstown area, including the rhythm and spacing of windows, roof pitches, use of exterior finish materials, staggered setbacks within individual buildings and similar features.

(b) Building facade. All facades visible from internal roads within the age-restricted housing development and public rights-of-way shall receive similar treatments, which shall vary from building-to-building, and shall be architecturally compatible within a unified architectural theme. No more than 30% of building facades may be duplicated within the development and at least three (3) different models (floor plans) will be offered. Not more than 2 facades may be alike in any group of five homes located across the street from one another (i.e., diagonally adjacent to one another).

(c) Roof shape. Roof shapes shall respect the vernacular style and shall not include the appearance of flat or mansard roofs. Roof shape shall incorporate gable-end, opposing gable and hip roof styles with dormers to the extent practicable.

E. Area, yard and building requirements for senior healthcare facilities, healthcare support facilities and skilled rehabilitation nursing facilities.

(1) Minimum lot area. The minimum lot area devoted to senior healthcare is 150,000 square feet. A facility must be part of a tract area of at least 50 acres under the ownership and control of a single entity and the subject of a development application.

(2) Density. The maximum density permitted shall be 16 beds per acre.

(3) Setback and bulk requirements. The setback and bulk requirements for the OR/1 Zone shall apply, except that the minimum side and rear yard setback shall be 30 feet.

(4) Parking.

(a) Off-street parking shall be provided at the rate of 0.5 parking spaces per bed.

(b) An additional one (1.0) parking space shall be provided per employee normally present on any single weekday shift.

(c) An additional one (1.0) parking space shall be provided for each non full-time health care professional providing specialized care.

(d) An additional one (1.0) parking space shall be provided per outpatient.

F. Intergenerational child and adult day-care parking requirements.

(1) Child day-care parking. At least one on-site parking space shall be provided for each on-duty staff person and one visitor space per each five children.

(2) Adult day-care parking. At least one on-site parking space shall be provided for each on-duty staff person and two visitors spaces for each 10 people of maximum enrollment at the center.

G. Schedule.

Schedule of Area, Yard and Building Requirements

Item	All Senior Health Care Uses & Facilities	Adult Day Care and Intergenerational Child Care
Minimum lot size (square feet)	150,000	80,000
Lot frontage (feet)	75	75
Lot width (feet)	200	200
Front yard-principal building (feet)	100	100
Side yard-principal building (feet)	30	30
Rear yard-principal building (feet)	30	30
Side yard-accessory building (feet)	30	30
Rear yard-accessory building (feet)	30	30
Combined width of both side yards-principal building (feet)	60	60
Maximum percentage of improved lot coverage	60%	60%
Maximum floor area of (FAR)	N/A	20,000 square feet
Maximum height		
Stories	2.5	2.5
Feet	35	35
Maximum density beds per acre	16	N/A

H. Age restrictions for dwelling unit occupancy. Approval of an age-restricted housing development pursuant to this section shall require the placement of restrictive covenants, in a manner satisfactory to the Planning Board Attorney, on the deeds to all portions of a tract to insure that occupancy will be limited to at least one member of the household 55 years of age or older with no children under 19 years of age in permanent residence, pursuant to the Federal Fair Housing Act.

I. Age-restricted affordable multifamily dwelling units area, yard and building requirements.

(1) Minimum lot area: 20,000 square feet per building

(2) Density: 15 units per acre

(3) Setback and bulk requirements:

(a) Minimum lot frontage: 120 feet

(b) Minimum lot width (at building setback line): 120 feet

- (c) Minimum front yard from internal roadways: 25 feet
  - (d) Minimum front yard from Schooley's Mountain Road: 100 feet
  - (e) Minimum lot depth: 100 feet
  - (f) Minimum side yard: 15 feet
  - (g) Minimum rear yard: 25 feet
  - (h) Maximum impervious coverage of lot (structures and paving): 60%
  - (i) Maximum height: 35 feet and 2 1/2 stories
  - (j) Minimum building setback from streets (curb or cartway): 30 feet
  - (k) Minimum building setback from parking areas: 20 feet
  - (l) Minimum spacing between buildings: 30 feet
- (4) Site improvement and parking requirements: as required by Residential Site Improvement Standards, N.J.A.C. 5:21."

**SECTION 3.** The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

**SECTION 4.** This Ordinance may be renumbered for codification purposes.

**SECTION 5.** All ordinances of the Township of Washington, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 6.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 7.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

ATTEST:

  
 \_\_\_\_\_  
 Nina DiGregorio, Township Clerk

TOWNSHIP OF WASHINGTON  
 COUNTY OF MORRIS  
 STATE OF NEW JERSEY

By   
 \_\_\_\_\_  
 Kenneth W. Roehrich, Mayor

*I, Nina DiGregorio, Township Clerk of the Township of Washington, do hereby certify the foregoing to be a true copy of an Ordinance Introduced by the Township Committee at a meeting held on January 18, 2016.*

  
 \_\_\_\_\_  
 Nina DiGregorio, Township Clerk

1/19/2016  
 \_\_\_\_\_  
 Date

#RO-03-16

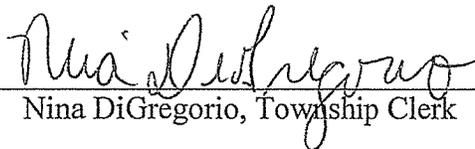
RESOLUTIONS TO BE READ UPON FIRST READING OF AN ORDINANCE

**BE IT RESOLVED** by the Township Committee of the Township of Washington that an Ordinance entitled:

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 217, ZONING, OF THE CODE OF THE TOWNSHIP OF WASHINGTON REGARDING THE MUSCONETCONG AGE-RESTRICTED HOUSING OVERLAY ZONE**

be introduced and read by title on first reading by the Township Committee.

DATE: January 18, 2016

  
Nina DiGregorio, Township Clerk

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**BE IT RESOLVED** by the Township Committee of the Township of Washington that an Ordinance entitled:

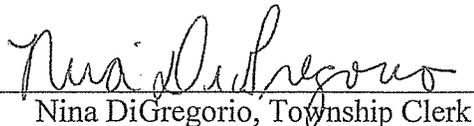
**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 217, ZONING, OF THE CODE OF THE TOWNSHIP OF WASHINGTON REGARDING THE MUSCONETCONG AGE-RESTRICTED HOUSING OVERLAY ZONE**

be adopted upon first reading.

**BE IT FURTHER RESOLVED** that said Ordinance shall be further considered for final passage at a meeting of the Township Committee on February 10, 2016 at 7:30 P.M. at the Washington Township Municipal Building, 43 Schooley's Mountain Road, Long Valley, New Jersey at which time and place all persons interested shall be given an opportunity to be heard concerning same.

**BE IT FURTHER RESOLVED** that the Clerk be authorized to advertise said Ordinance in full or in summary in the Daily Record according to law.

DATE: January 18, 2016

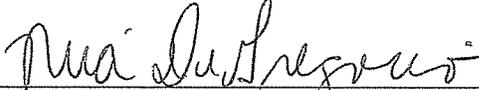
  
Nina DiGregorio, Township Clerk

#RO-03-16

PUBLIC NOTICE

Public notice is hereby given that the following ordinance was passed on the first reading at a meeting of the Township Committee of the Township of Washington, Morris County, New Jersey held on January 18, 2016 and that said ordinance will be further considered for final passage by the Township Committee at the Municipal Offices located at 43 Schooley's Mountain Road, Long Valley, New Jersey on February 10, 2016 at 7:30 P.M. at which time and place all persons who may be interested will be given an opportunity to be heard concerning same.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF WASHINGTON

  
\_\_\_\_\_  
Nina DiGregorio, Township Clerk

DATED: January 18, 2016