

**FREDON TOWNSHIP PLANNING BOARD  
RESOLUTION MEMORIALIZING THE APPROVAL  
AND ADOPTION OF A RE-EXAMINATION REPORT OF THE  
SUBSISTING MASTER PLAN FOR THE DEVELOPMENT OF THE  
TOWNSHIP OF FREDON ENTITLED:  
*FREDON TOWNSHIP RE-EXAMINATION REPORT 2013***

**WHEREAS**, the Fredon Township Planning Board, pursuant to its obligation to do so as imposed by the Municipal Land Use Law, particularly N.J.S.A. 40:55D-28, has previously adopted a Master Plan for the development of the Township of Fredon, which Master Plan was updated in 1993 during which year, to wit, in September, 1993, the Township of Fredon received Substantive Certification of its Housing Plan Element and Fair Share Plan from the Council on Affordable Housing (COAH); and,

**WHEREAS**, it is required by the Municipal Land Use Law, particularly N.J.S.A. 40:55D-89, that:

*The governing body shall, at least every ten (10) years, provide for a general re-examination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report of the findings of such re-examination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such re-examination shall have been completed by August 1, 1982. The next re-examination shall be completed by August 1, 1988. Thereafter, re-examination shall be completed at least once every ten (10) years from the previous re-examination.*

**WHEREAS**, in accordance with the mandate for a periodic re-examination, at least every ten (10) years (originally, the statute provided for a re-examination at least once every six (6) years), the Fredon Township Planning Board previously undertook to employ the services of Elizabeth C. McKenzie, P.P., P.A. of Flemington, New Jersey, to undertake a general re-examination of the subsisting (previously re-examined and updated) Master Plan for the development of Fredon Township; and,

**WHEREAS**, in August, 1999, a "second round" Housing Plan Element and Fair Share Plan was adopted by the Fredon Township Planning Board and filed with the Council on Affordable Housing (COAH); and,

**WHEREAS**, in March 2000, the Fredon Township Planning Board adopted, and the Fredon Township Committee petitioned for substantive certification of, a revised Housing Plan Element and Fair Share Plan; and,

**WHEREAS**, Elizabeth C. McKenzie, P.P., P.A., the Planning Board's professional planning consultant, having submitted a proposed amendment to the (1992-1993) Master Plan update in a report entitled: *Fredon Township, Sussex County, New Jersey - Draft Amendment to the Master*

*Plan Update 1992-1993, Submitted to the Fredon Township Planning Board, September 20, 1999, which report is constituted of four (4) pages, exclusive of the appendix thereof which is entitled: An Ordinance to Amend Chapter X-Zoning, Known as the Zoning Chapter of the Land Use Ordinances of the Township of Fredon, Sussex County, New Jersey, which proposed Zoning Ordinance amendment was constituted of ten (10) pages, exclusive of the attached Fredon Township Zoning Map (January, 1995); and,*

**WHEREAS**, the *Draft Amendment to the Master Plan Update, 1992-1993*, recited the following procedural and substantive background and makes the following recommendations (summarized herewith):

- i. *The PD-Planned Development Zone was established in the previously adopted (and certified) Housing Element and Fair Share Plan as the Township's Inclusionary Development Zone for the reasons outlined in that document. The new Housing Element and Fair Share Plan retains the PD Zone as an inclusionary development zone. However, the PD Zone has always been much larger than it needed to be to achieve compliance with the Township's affordable housing obligations. It encompasses over 280 acres of land in four (4) separate tax lots.*
- ii. *Only one (1) of these four (4) properties has been the subject of an application for inclusionary development pursuant to the PD Zone requirements. That property is located on the southbound side of County Route 519 (Ridge Road) and has no frontage at all on Route 94. The other properties straddle both sides of Route 94 both have no frontage on County Route 519. The PD Zoned property which has been proposed for development (Lot 33, Block 8.01) encompasses about 65 acres of land and is proposed to accommodate all the Township's remaining affordable housing fair share obligation and may even generate excess credits which could be used to help meet an as yet unidentified future fair share obligation.*
- iii. *Consequently, the Planning Board has been re-evaluating both the necessity for and the advisability of retaining the properties which front on Route 94 in the PD Zone.*
- iv. *Due to its proximity to the hospital in Newton, the portion of Route 94 that is currently zoned PD, would be desirable for, and could readily accommodate, professional/medical office buildings, institutional uses or satellite medical facilities provided either that the intensity of development is low enough to permit the use of septic systems and on-site wells or that sewerage and water service could be brought to this area from Newton to serve more intensive professional/medical office development.*

**WHEREAS**, a public hearing was held upon the proposed adoption of the *Draft Amendment to the Master Plan Update 1992-1993*, at the regular meeting of the Board held on February 29, 2000, with proper, timely and adequate notice thereof, in accordance with requirements of the Municipal Land Use Law, particularly N.J.S.A. 40:55D-13, having been provided in advance thereof; and,

**WHEREAS**, at the regular meeting of the Board convened on March 20, 2000, the Board determined, by unanimous vote of the members then in attendance and participating, a quorum being present, to approve and adopt the draft amendment to the Master Plan update, 1992-1993, as prepared by Elizabeth C. McKenzie, P.P. and as dated September 20, 1999; and,

**WHEREAS**, Eileen F. Banyra, P.P. having prepared, in concert with the Fredon Township Planning Board, its engineer and attorney, a current reexamination of the subsisting Master Plan for the development of Fredon Township which is entitled: *Fredon Township Reexamination Report 2004*, which is dated February 25, 2004, and which is constituted of nine (9) individual sheets, exclusive of the title sheet and the introductory sheet; and,

**WHEREAS**, that *Fredon Township Reexamination Report 2004* includes the following components:

- 1.0 *Identification of the major problems and objectives relating to Land development at the time of last reexamination;*
- 2.0 *Extent to which such problems have been reduced or increased;*
- 3.0 *Extent of change in assumptions, policies, and objectives that Formed the basis for the last revision of the Master Plan and Development regulations;*
- 4.0 *The specific changes recommended for the Master Plan or Development regulations; and,*
- 5.0 *Recommendations of the Planning Board concerning the Incorporation of redevelopment plans adopted pursuant to The local Redevelopment and Housing Law. PL 1992.*

**WHEREAS**, the *Reexamination Report 2004* recites the following specific recommendations for possible future revisions to the Master Plan and/or Development Regulations:

- i. *A Master Plan update was completed in 1993. The Planning Board has agreed that a systematic review of the various elements, beginning with the land use element is required, to insure that the goals and objectives and policies identified by the community are achieved. An aggressive review of various planning tools and techniques will be explored in the new plan. The preparation of a revised master plan document will be initiated as a result of this Reexamination Report. The anticipated revisions are in response to changes that have occurred in Township policy, new municipal plans and information, planning legislation, state policies and development as well as other issues now confronting the Township and county.*
- ii. *The Land Use Regulations should be comprehensively evaluated to implement any changes made to the Master Plan. This would include an evaluation of the placement of ordinances in various chapters (Subdivision vs. Zoning) particularly as they relate to protection of environmental features, and whether they should be relocated and/or rewritten to enhance their effectiveness. Additionally, the ordinances should be updated to ensure that they accurately reflect current legislation, recent case law, as well as Township policy..*
- iii. *The 2003 Open Space and Recreation Plan and the Natural Resource Inventory should be incorporated by reference by the Planning Board into the existing Master Plan, and utilized and possible elaborated upon in the revised Master Plan.*
- iv. *The information gathered as part of the 2000 U.S. Census is important in any master plan analysis. An evaluation of this information is required for the preparation of the Housing Element and Plan, and will provide insight as to any changes that may be occurring in the community.*
- v. *Specific guidelines and policies designed for the protection of the community's character such as TDR, clustering, downzoning, scenic vistas and view sheds will be considered in future master plan elements and resulting zoning legislation as part of the Township's continuing efforts to preserve the rural character, open space and the scenic attributes of the community.*
- vi. *The Planning Board should continue to work on ordinances that advance preservation of environmental features such as steep slopes, stream corridor buffers, ridgeline protection, tree removal and site disturbance ordinances as well*

*as those that will maintain the rural character and aesthetic “small town” appeal of the community.*

- vii. *The Planning Board concluded that the PD zone should be reduced in area due to the lack of suitability for wastewater systems, environmental constraints, tightening of the Department of Environmental Protection wastewater and stormwater regulations, as well as changes in Township policy. The following parcel is recommended to be removed from the PD zone and to be included in the AR-6 Zone District: Block 801, Lot 8. Further consideration for reduction, elimination or change to the balance of the PD Zone which includes: Block 801, Lot 1.01; and Block 104, Lot 19 will ensue upon resolution of pending litigation.*
- viii. *The Housing Plan should be revised as deemed necessary to reflect the outcome of any pending litigation and submitted to COAh for substantive certification.*
- ix. *The Land Use Plan should also be revised to ensure compatibility with the results of the pending Mount Laurel litigation.*

**WHEREAS**, at the regular meeting of the Board convened on March 31, 2004, the Board determined, by a vote of nine (9) in favor, none opposed and no abstentions, to adopt the *Fredon Township Reexamination Report 2004* dated February 25, 2004, and as prepared by Eileen F. Banyra, P.P. of Burgis Associates, Inc.; and,

**WHEREAS**, subsequent thereto, the Board having employed the services of Bridgette Bogart, P.P., AICP and Robyn Welch, A.P., of the firm of Burgis Associates, Inc. of Westwood, New Jersey, to undertake a comprehensive overall study of the subsisting Master Plan for the development of Fredon Township and the reexamination reports and amendments thereto and a comprehensive overall study of the patterns of growth and development in the Township of Fredon experienced over several years last past as evidenced by development applications before the Planning Board and Zoning Board of Adjustment in order to undertake the preparation of a comprehensive, revised Master Plan for the development of Fredon Township; and,

**WHEREAS**, the undertaking of the preparation of a comprehensive Master Plan for the development of the Township of Fredon, which project was concluded in 2006, is part of a continuing comprehensive planning effort that has been undertaken by the Township over the last three decades. Particularly, since 1975, the Township has engaged in a continuing planning process that has been the subject of periodic reviews and reexaminations. The most recent reexamination report having been adopted in 2004. Each of the said various reports and amendments thereto were designed to guide the future development of the Township in a manner consistent with sound planning and statutory requirements; and,

**WHEREAS**, it was determined by the Planning Board that the preparation and adoption of a new comprehensive Master Plan is necessary to ensure that Fredon Township's planning policies and practices remain current and up-to-date. It is also necessary to ensure that the Township's Master Plan and Zoning Ordinances are consistent with the applicable provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-1 *et. seq.*), which mandates that all local zoning regulations be substantially consistent with a regularly revised and updated Land Use Plan Element; and,

**WHEREAS**, the Board has determined that the new revised Master Plan, including, in this particular case, the comprehensive *Master Plan 2006* constitutes the official guide for the future growth and development of the Township of Fredon to be utilized by the Planning Board, the Township Committee, the Zoning Board of Adjustment and the residents of Fredon Township in making land use policy and planning decisions which are consistent with the character of the Fredon Township community; and,

**WHEREAS**, as the result of the engagement of the services of Burgis Associates, Inc. (Bridgette Bogart, P.P., AICP and Robyn Welch, A.P.) and as a result of multiple work sessions convened for that purpose, the Planning Board has completed a comprehensive revised Master Plan for the development of Fredon and generated a document entitled: *Township of Fredon Master Plan 2006*, dated July 13, 2006, same being constituted of seventy-three (73) pages and which is subdivided into and contain the following components:

- *Introduction*
- *Summary of Emerging Development Considerations*
- *Environmental Features*
- *Land Use Element*
- *Farmland Preservation Plan*
- *Open Space and Recreation Plan*
- *Historic Preservation Plan*
- *Community Facilities Plan*
- *Circulation Plan*
- *Recycling Plan*
- *Background Information*
- *Maps*

**WHEREAS**, a hearing was held upon the *Township of Fredon Master Plan 2006* at the regular meeting of the Board convened on July 26, 2006, proper, timely and adequate notice of said hearing having been provided in accordance with the Municipal Land Use Law, particularly N.J.S.A. 40:55D-13; and,

**WHEREAS**, at a special meeting of the Fredon Township Planning Board convened for the sole purpose of holding a public hearing upon the (revised as of March 29, 2007) Master Plan, said meeting convened on March 29, 2007, the Board determined, by unanimous vote of the members then in attendance and participating, a quorum being present, and there being eight (8) affirmative votes, to approve and adopt the comprehensive revised Master Plan for the development of Fredon Township entitled: *Township of Fredon Master Plan 2007*, as prepared by Brigette Bogart, P.P., and Robin Welch, A.P., said plan being dated March 29, 2007, being constituted of seventy-three (73) individual sheets, same having been revised to incorporate a number of the comments, recommendations and objections of the public raised at the Master Plan public hearing held on July 26, 2007; and,

**WHEREAS**, Eileen F. Banyra, P.P. of EFB Associates, LLC of New Paltz, NY, the Township's and Planning Board's professional planning consultant, having been authorized and directed to conduct a general re-examination of the subsisting Master Plan for the development of Fredon Township, as adopted on March 29, 2007 by memorializing Resolution dated and adopted April 16, 2007; and,

**WHEREAS**, as a result thereof, Eileen F. Banyra, P.P., having prepared a re-examination report entitled: *Fredon Township Re-Examination Report 2013*, being constituted of eighteen (18) pages; and,

**WHEREAS**, it is specifically provided by the Municipal Land Use Law, particularly N.J.S.A. 40:55D-62.1, that personal notice **is not required** for changes to the classification and boundaries of a zoning district that result from the adoption of periodic re-examination of the Master Plan; and,

**WHEREAS**, that *Fredon Township Re-Examination Report – 2013* contains (and appearing on Pages 17-18 thereof) the following recommendations for implementation of the goals and objectives set forth therein in order to (as stated) implement the: ... *important changes that will better represent the intent of the Planning Board...*:

- ***Zone Boundary Corrections for Hunts Roads*** – *The Land Use Plan incorrectly identifies this area in a Medium Density Residential area instead of a Moderate Density Residential area. The Zoning Map should be amended maintaining the zone boundaries but increasing the minimum lot area from one (1) to four (4) acres for this area.*
- ***Clarification of Residential Use in the LDO for MUMD*** – *While a residential use is a permitted use in the MUMD, it is permitted as a part of a planned development or residential site plan for multiple residential uses. The ordinance should be revised to clarify that a stand-alone residential use is not what was*

*anticipated by the Master Plan. Rather, the MUMD envisions supporting higher density residential and cluster developments with a variety of housing types. The higher density cluster would help to support the necessary infrastructure as well as additional commercial development to better round out the area. The ordinance should be changed to prohibit single stand-alone residential units.*

- ***Use Variance In Mixed Use Market District*** – *In 2011, the Zoning Board of Adjustment heard a variance application... for a Solar Energy Facility. The property of the subject request was a 32.6 acre parcel located on the north side of Willows Road, within the MUMD. The subject site was a site identified in the Master Plan as suitable for senior, multi-family and/or affordable housing and a conceptual design for such housing was included in the Plan.*

*While the approval of the variance within the MUMD in and of itself does not warrant a change to the zoning, the construction of this facility might. Once constructed, the facility will eliminate the ability to construct multi-family housing on this site as identified in the Master Plan and Zoning Ordinance.*

*At the time of construction, changes to the goals and objectives of the Ordinance... as well as modification to the MUMD zone boundaries and maps, should be evaluated.*

- ***Redevelopment Plans/Local Redevelopment and Housing Law*** – *The Planning Board recommends incorporation of a redevelopment plan (when and once adopted) into the Land Use Plan Element of the Master Plan and to effectuate changes, if any, to the development regulations in order to effectuate that redevelopment plan.*

**FREDON TOWNSHIP PLANNING BOARD**

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**DENNIS HAFF, CHAIRMAN**

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**LORI SCHUTTE, SECRETARY**

I hereby certify the foregoing Resolution to be a true and complete memorialization of the Official Action taken by the Fredon Township Planning Board at its regular meeting held on June 17, 2013, by a motion and vote as follows:

**MOTION TO APPROVE AND ADOPT THE: FREDON TOWNSHIP RE-EXAMINATION REPORT- 2013.**

**IN FAVOR:** Chairman Haff, Mr. Palombi, Mr. Boland, Mr. Richardson, Mrs. Prommel, Mr. Rome, Mr. Bernegger, Mayor Lazzaro, Mr. Masi.

**OPPOSED:** None.

**ABSTAIN:** None.

**ATTEST:**

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**LORI SCHUTTE, SECRETARY**

Dated: August 19, 2013  
FTPb:MasterPlanReEx.Reso.

**FREDON TOWNSHIP PLANNING BOARD  
RESOLUTION MEMORIALIZING THE GRANT  
OF MINOR SITE PLAN APPROVAL,  
SUBJECT TO CERTAIN CONDITIONS, TO  
APPLICATION NO. 706-2012  
VALLEY NATIONAL BANK  
(BLOCK 404, LOT 15.02)**

**WHEREAS**, application having been made by application form dated October 23, 2012, to the Fredon Township Planning Board by Valley National Bank, which has its principle office and place of business at 1720 Route 23 North, Wayne, NJ 07470, seeking, with respect to property owned by the applicant, said property known and designated as Block 404, Lot15.02, on the Fredon Township Tax Map, *minor* site plan approval of the proposal of the applicant to (as stated in correspondence from Richard J. Toniolo, Esq., of Schenck, Price, Smith & King, the applicant's attorney: *Valley National Bank seeks to add a pole and light fixture at the driveway entrance to the bank at its driveway entrance adjacent to Route 94*; and,

**WHEREAS**, in support of the application for minor site plan review and approval, the applicant having submitted a certain plat entitled: *Proposed Light Pole Location Plan for Valley National Bank No. 410 Route 94, Block 404, Lot 15.02, Fredon Township, Sussex County, New Jersey*, said plats prepared by Alexander J. Lapatka, P.E. and Jeffrey H. Kleine, P.L.S. of Lapatka Associates, Inc., of Paramus, NJ, said plats being constituted of one (1) sheet, being dated July 10, 2012 and bearing no revision dates thereon; and,

**WHEREAS**, David B. Simmons, Jr., P.E., L.S., C.M.E., the Fredon Township Planning Board engineer, having reviewed the application and rendered a report thereon dated December 10, 2012 as to completeness and substance; and,

**WHEREAS**, a hearing was held upon the application at the regular meeting of the Fredon Township Planning Board convened on February 27, 2013, at which the applicant was represented by counsel, to wit, Richard J. Toniolo, Esq., and at which David Sadacki, P.E., of Lapatka Associates, Inc. appeared; and,

**WHEREAS**, as a result of the application made to it, the Board's review of the minor site plan plats submitted and as identified hereinabove and the Board's review of the December 10, 2012, report of David B. Simmons, Jr., P.E., L.S., C.M.E., the Planning Board engineer, and the presentation made on behalf of the applicant, the Board does herewith describe the application particularly as follows:

1. The applicant is Valley National Bank, which has its main office and place of business at 1720 Route 23 North, Wayne, NJ 07470.
2. The property which is the subject of the application, and which is owned by the applicants, is known and designated as Block 404, Lot 15.02, on the Fredon Township Tax Map. The property is commonly known as 410 Route 94.

3. The subject property has frontage upon, existing driveway access to and is located on the northerly side of New Jersey State Highway Route 94.
4. The subject property is located within the MUMD-1 Mixed-Use Market District Zone District.
5. There is presently located on the subject property a one-story frame building which operates as a branch bank for Valley National Bank.
6. Additional improvements on the site include a macadam paved parking area located to the east and south of the building which contains a total of 31 delineated parking spaces, inclusive of one (1) handicapped parking space.
7. Access to the site is by means of a driveway intersection located at the southeasterly corner of the site, accessing the site from New Jersey State Highway Route 94 (southbound).
8. The site is improved with a total of seven (7) existing area lighting fixtures located throughout the parking lot, in front (southerly) of the building and at the westerly portion of the driveway entrance on Route 94.
9. Additionally, driveway intersection lighting is provided by means of an existing light fixture on a Jersey Central Power Light & Company utility pole located off-site (within the right-of-way of New Jersey State Highway Route 94 and at the easterly side of the driveway intersection).
10. The existing light fixture (utility pole-mounted) has an 18 foot mounted height.
11. The applicant has been advised by Jersey Central Power & Light Company that they are abandoning this light fixture and the use thereof will be discontinued at the expense of Jersey Central Power & Light Company.
12. Accordingly, the applicant is proposing to install a new light pole to which a “shoebox style” 150 watt metal halide light fixture will be mounted at a height of 10 feet above ground level.
13. The light will operate automatically as a *dusk-to-dawn* fixture.
14. Accordingly, in that site improvements are proposed to be made to a commercial (non-residential) site and although the improvements (the establishment of a pole-mounted light fixture) are *di minimus* in nature, nevertheless, site plan review and approval is required and has been sought.

15. The Board has determined, based upon the review and recommendation of its engineer and attorney in that regard, that the *di minimus* nature of the improvement qualifies for and has been administered as a *minor site plan*.
16. In response to questions by Board members and/or the Board's professionals in that regard, the applicant's engineer has confirmed that the new light fixture to be established (150 watt metal halide "shoebox" style mounted at a 10 foot elevation) will be adequate to safely and properly light the intersection while not resulting in any excessive *fugitive light* leaving the site or interfering with driver visibility in the Route 94 corridor.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Township of Fredon that, as a result of the application made to it; the Board's review thereof at the hearing held thereon at the regular meeting of February 27, 2013, including the presentation made on behalf of the applicant by the applicant's attorney and engineer, and the Board's review of the December 10, 2012 report of David B. Simmons, Jr., P.E., the Planning Board engineer, the following **OFFICIAL ACTION** is taken with respect thereto:

1. **APPLICATION NO. 706-2012** being the application of **VALLEY NATIONAL BANK** proposing and detailing the installation, at the southeasterly corner of the intersection of the driveway of the Valley National Bank branch office located at 410 Route 94 and on property known and designated as Block 404, Lot 15.02, said light fixture intended to replace an existing Jersey Central Power & Light Company utility pole-mounted light, the proposed new light fixture to be a 150 watt metal halide "shoebox" style fixture, mounted at a ten (10) foot elevation and operating, automatically, on a *dusk-to-dawn* basis, **BE** and same is herewith **GRANTED MINOR SITE PLAN APPROVAL**.

**BE IT FURTHER RESOLVED**, that the foregoing Official Action is subject to the following terms and conditions:

1. The applicants shall reimburse the Township of Fredon for the costs of the administration of this site plan review application relating to all professional (legal and engineering) services rendered, including the cost of preparation of this memorializing Resolution.
2. The applicant shall provide proof of the payment of all real estate taxes and assessments due on the subject property through the first quarter of 2013.
3. The applicant shall comply with and satisfy all the comments and/or recommendations contained in the December 10, 2012 report of David. B. Simmons, Jr., P.E., the Planning Board engineer.

4. The applicant shall construct the proposed new light fixture in precise compliance with the site plan plats submitted to, reviewed and approved by the Board, **any deviations therefrom** requiring resubmission to, re-review and reapproval by the Board.

**FREDON TOWNSHIP PLANNING BOARD**

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**WAYNE MILLER, CHAIRMAN**

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**LORI SCHUTTE, SECRETARY**

I hereby certify the foregoing Resolution to be a true and complete memorialization of the Official Action taken by the Fredon Township Planning Board at its regular meeting held on February 27, 2013, by a motion and vote as follows:

**MOTION TO GRANT MINOR SITE PLAN APPROVAL, SUBJECT TO CERTAIN CONDITIONS, TO APPLICATION NO. 706-2012 - VALLEY NATIONAL BANK (BLOCK 404, LOT 15.02).**

**IN FAVOR:**            **Acting Chairman Rusnock, Chairman Miller, Mr. Richardson, Mr. Rome, Mrs. Prommel, Mr. Massi, Mr. Bernegger, Mr. Haff.**

**OPPOSED:**           **None.**

**ABSTAIN:**           **None.**

**ATTEST:**

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**LORI SCHUTTE, SECRETARY**

Dated: March 18, 2013  
FTPB: ValleyNatBankGrantMinorSubApprv