



**OBJECTION TO THE
2006 SUSSEX COUNTY PLAN ENDORSEMENT PETITION**

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MC PROJECT NO. 05000407



Opposition to Plan Endorsement

Sussex County is petitioning the State Planning Commission for Plan Endorsement of its Strategic Growth Plan. This report is opposed to the section of Sussex County's Plan Endorsement petition dealing with Lafayette Township. This opposition is focused on the failure of the Sussex County Strategic Growth Plan to propose the existing Village of Lafayette and an appropriate area adjacent to it as a Center.

The Village of Lafayette was an Identified Center in the 2001 State Plan but Lafayette refused to have it designated as a center. It is recommended that the State Planning Commission require that Sussex County revise its Strategic Growth Plan by inserting the Village of Lafayette as one of the designated centers in Sussex County for accommodating future growth. Lafayette Township needs this center to accommodate a number of State, County and municipal planning goals, among them the satisfaction of its affordable housing obligation, which it has still failed to do.

The Criteria for a Village Center

The State Development and Redevelopment Plan sets forth the criteria for designating a Village Center (Page 246). The underlying basis for this challenge to the Sussex County Plan Endorsement petition is that the existing village area in Lafayette combined with Nouvelle Associates property holdings would form an appropriate center consistent with the following Village criteria.



The following criteria are intended as a general guide for designating Villages. Local conditions may require flexible application of the criteria to achieve the Policy Objectives of the Planning Area:

1. It is (or is planned to be) primarily a mixed-residential community with a compact Core of mixed-uses (for example, commercial, resource-based industrial, office, cultural) offering employment, basic personal and shopping services and community activities for residents of the Village and its Environs; and
2. It has a land area of less than one square mile; and
3. It has (or is planned for) a minimum gross population density of 5,000 people per square mile (excluding water bodies) and a minimum gross housing density of three dwelling units per acre; and
4. The existing and 2020 population should not exceed 4,500 people; and
5. It has reasonable proximity to an arterial highway.

In addition, new Villages should meet the following criteria:

- . It is identified in municipal and county master plans; and
- . It is an area capable of being served by a wastewater treatment system to meet applicable standards; and
- . It is identified as a result of a strategic planning effort with participation by the private sector; municipalities, the county and relevant state agencies and is identified in local master plans.



Description of the Existing Lafayette Village

The Village of Lafayette is the only area of concentrated development in Lafayette Township. This existing historic village area along with the area proposed by Nouvelle Associates for inclusion in a proposed center meets all of the criteria set forth in the State Plan for a Village Center.

The historic village of Lafayette depicted on Map 1 comprises 94 acres and consists mainly of residential and commercial uses fronting on the Village's three main roads: Route 15 and 94 (Morris Farm Road) and Lafayette Road. Seventy seven percent of the historic village's 96 lots are developed as a mixed use core of residential, commercial and civic activities. Residential use comprises 49.40% of the developed village area. Commercial uses, mainly Old Lafayette Village Shopping Center, encompasses another 27.36% of the developed land area. Public land, mainly the municipal building site, accounts for only .67% of the village area. If the 122 acres of the Schering Plough industrial campus were added to the existing village, the village would comprise 216 acres of which 195 acres or 90 percent would be considered developed.

Description of the Nouvelle Associates Property and the proposed center

With the inclusion of the Nouvelle Associates project area depicted on Map 2, the proposed village would expand to 605 acres, an area just under a square mile, of which one-third would consist of a greenbelt area. The Nouvelle Associates proposed development shown on Map 3 and described in greater detail later in this report, comprises a total of 320 acres and proposes a total of 290 housing units, 208,000 square feet of retail and office square footage and 206 acres of preserved open space. The Nouvelle Associates project plus the existing residences in the village would yield a total of 344 dwelling units. The gross density of the area developed for residential use would be approximately one (1) dwelling unit per acre.



It would have a total forecasted population of approximately 1000 persons which would not exceed a 2020 population limit of 4,500 persons. Excluding preserved land, it would have a gross population density of 2.5 persons per acre which translates to a gross density of 1600 persons per square mile. The existing and proposed Village Center area is directly accessible to two arterial highways; Route 15 and 94.

Fulfilling the criteria for a new village center designation is what is essentially at issue in this challenge to Sussex County's Plan Endorsement Petition. Despite the evidence that Village of Lafayette area is appropriate for center designation, neither the Municipal and County Master Plan identifies the Village of Lafayette area as a center in their Master Plans although the County Plan does point out it is a potential center.

The proposed Village Center area in Lafayette is capable of being served by a wastewater treatment system. In fact, there are already wastewater systems in and around this village area serving Schering Plough, Hamm's landfill and the Lafayette Township Elementary School as well as a proposed facility for a site adjacent to Nouvelle Associates site at the corner of Route 15 and County Route 623. Scientific studies and tests demonstrate that the Nouvelle site is highly suitable for a wastewater treatment plant capable of servicing the entire proposed Village Center area. The Nouvelle Associates site has sufficient land areas as well as excellent hydrogeologic conditions to take care of projected wastewater demands. As for public water service, Nouvelle Associates has access from Sparta Township potable water system.

The proposed Lafayette Center is being promoted as a strategic planning effort by Nouvelle Associates as a way to accomplish a multitude of planning policy objectives. The challenges to Sussex County Plan Endorsement petition and Lafayette Township Housing Plan Element and Fair Share Plan are intended to prompt participation of Lafayette Township, Sussex County and the State Planning Commission in this planning effort.



Lafayette Township lies entirely outside the boundaries of the Highlands, while municipalities along Sussex County's eastern border lie entirely or partially within the Highlands. These municipalities including Sparta and Vernon Township have historically been among the County's major areas of growth which the Highlands regulations will now restrict. Future growth in Sussex County should be planned for areas such as the Village area of Lafayette. If growth is not allowed to happen here, where will it happen in Sussex County? Lafayette Township has essentially avoided any planning for accommodating some of the inevitable growth pressures coming to Sussex County. The zoning for residential uses throughout Lafayette Township is very low density. Lafayette Township has three rural residential districts: one permitting one dwelling unit per five (5) acres and another permitting one dwelling unit per four (4) acres. The third zone, R-2.5, allows one residence per 2.5 acres but remaining buildable land in this zone will restrict development to just 12 lots. None of these low density residential zones provide a suitable setting for affordable housing.

Assisting Lafayette to Meet its Affordable Housing Obligations

Nouvelle Associates is challenging Lafayette Township's deficient Mount Laurel housing plan. Nouvelle Associates is proposing to accommodate all of Lafayette Township's Round 1, 2 and 3 affordable housing obligations on its property, which as a Center would be the most appropriate place for low and moderate priced housing in this rural municipality located in Planning Areas 4 and 4A. The failure to designate the Village of Lafayette as a center is part of Lafayette Township's 23 year long resistance to fulfilling their Mount Laurel housing obligation. Lafayette Township does not want to plan realistically for growth or affordable housing.



Since the Mount Laurel II decision in 1983, Lafayette Township has not acted in an affirmative manner to accommodate housing affordable to households of low and moderate income. Lafayette Township has not, since 1983, taken any meaningful tangible steps to meet its affordable housing obligation by either adopting a zoning ordinance that would encourage or even permit affordable housing construction or municipal funding to support affordable housing within this municipality or elsewhere through a regional contribution agreement.

Lafayette revised its Housing Element and Fair Share Plan and resubmitted it for substantive certification on December 12, 2005. Lafayette's third round obligation consists of the cumulative total of the Township's recalculated cumulative second round obligation plus the Township's third round growth share obligation and the rehabilitation share. Lafayette's re-calculated second round obligation is twenty-one (21) new construction units and its rehabilitation share is zero units. Lafayette's growth share obligation is thirty-seven (37) based on the Township's analysis of the projected municipal population and employment forecasts by its metropolitan planning agency, the North Jersey Transportation Planning Authority. Although Lafayette submitted a third plan to COAH, it still does not satisfy its obligation and Nouvelle filed an objection to that plan before COAH. Lafayette's plan lacks both specific feasible projects and a timetable for action. All of Lafayette's housing proposals would occur within either Planning Areas 4 and 5 but no documentation as required by N.J.A.C. 5:94-4.5a(2) is presented demonstrating that its affordable program is consistent with sound planning. Lafayette Township cannot provide this documentation because of its vague Fair Share Plan proposals; the Township has no specific idea where affordable housing construction might occur under its Growth Share Ordinance. By contrast, Nouvelle's alternative plan would appropriately locate all of Lafayette's prior and third round affordable housing obligation within an Identified Center adjacent to the current Village of Lafayette. Nouvelle is proposing to the State Planning Commission that its proposed development and its surrounding area be designated a mixed use village center served by public utilities in the updated State Development and Redevelopment Plan.



Lafayette Has Failed to Plan for Its Future Growth

In its cross acceptance report, Lafayette Township did not identify an area appropriate to accommodate future growth; this directly conflicts with the intent of the State Plan and the policy for the Planning Areas that the Township is primarily located in, the Rural Planning Area, Rural/Environmentally Sensitive Planning Area, and the Environmentally Sensitive Planning Area. The Land Use Policy objective for the Rural Planning Area states "Enhance economic and agricultural viability and rural character by guiding development and redevelopment into Centers. In the environs, mountains and enhanced agricultural uses and preserve agricultural and other lands to form large contiguous areas and greenbelts around Centers..." The Land Use Policy Objective for the Environmentally Sensitive Planning Area, which also serves as the Policy Objective of Rural/Environmentally Sensitive Planning Area, "Protect natural systems and environmentally sensitive features by guiding development and redevelopment into Centers and establishing Center boundaries and buffers and greenbelts around these boundaries..." In its cross acceptance report section entitled Lafayette Township Municipal Review Report, Sussex County makes only a brief mention of center-based development in this township. On page 72, it states "the Village of Lafayette is identified by the State as a Center, but the township has made no efforts to solicit this designation."

County Plan Recognizes Village of Lafayette As a Potential Center

Sussex County recognizes that the Village of Lafayette has the attributes of a center and is a potential location for future development. On page 23 of their plan, it states:

"In addition to the Centers for which petitions have been prepared and submitted, there are existing functional Centers such as Sussex Borough, Greendell, Lafayette Center, as well as Stillwater, Swartswood, and Middleville Villages in Stillwater Township.



Even though they have not been designated, they and others are identified in the SDRP. Centers, whether designated as receiving areas or not, are the future of nearly all prospective development in Sussex County. Using the TDR model, carrying capacity analysis, and careful programming water, sewer, and transportation infrastructure, the anticipated build-out in the County can and must be reoriented to compact hamlets, towns, and villages where other than very low (less than one home or 2000 square feet of non-residential space constructed per six or more acres) density development is to occur.” (emphasis added)

However, because Lafayette Township chose not to propose the Village of Lafayette as a Center, the Sussex County Planning Board did not act on its own observations and designate the Village of Lafayette as a Center. Apparently, the County Planning Board would not act on its own accord to designate any Center, even one which meets their criteria, in the absence of municipal support for Center designation. Not identifying the Village of Lafayette as a Center in its plan, is contrary to Sussex County’s expressed recognition of the importance of Centers as a plan organizing technique. The County Strategic Plan is replete with references to the importance of centers in its overall planning strategy.

In its discussion of the State Plan goals, particularly the goal dealing with housing, the County Plan makes a strong case for locating denser housing especially affordable housing within Centers in Sussex County. This section on Pages 49 through 51 makes the same argument that Nouvelle Associates has put forth in its proposal to the Council on Affordable Housing: the remedy to Lafayette Township unfulfilled Mount Laurel Housing obligation can best be met by village center designation.



This Housing section from the County Plan is reproduced in full and it is underlined where its statements reinforce such a village center designation for accommodating that municipality housing needs: "Not only will the type of housing be altered, but the distribution of housing must also change. In order to accomplish this goal, development in centers, coupled with drastically reduced densities outside the centers, can be fostered through a combination of rezoning and financial incentives. For example, residential densities in centers, whether those centers are hamlets, villages or towns, will be on the order of 8-30 units per acre. In order for these densities to be safely sustained, central wastewater treatment utilities and/or advanced (denitrification) septic systems will have to be provided. These concentrations of residential development will also have a complimentary commercial component. They will be designed to offer pedestrian access to goods and services, including recreation, rather than reinforce the current high cost dependency on the automobile. In Sussex County, the effect will be to revitalize existing small towns and prepare for development of new towns. Large lot development will continue to be an option where environmental and access conditions permit.

The Centers will be chosen as expansions and redevelopments of existing centers or as new, freestanding centers, in the areas best suited to carry the impact of development. The physical elements required to support development at higher densities are productive aquifers, permeable soils, availability of existing and/or proposed water supply, sewage treatment, and transportation infrastructure. The design of centers will require elements such as on-street parking, reduced building setbacks, wide sidewalks, town greens and a clear edge to set the center off from the outlying countryside or 'environs'. Where infrastructure does not exist but is planned, careful phasing of its construction will provide municipalities with some degree of control over the rate and location of development.

Outside the Centers, very low density residential and nodes of specialty commercial and industrial development will predominate. These too, will be focused, with the traditional strip commercial development actively discouraged as an inefficient overuse of frontage to the detriment of lands to the rear and as a prime culprit in the loss of the view of open land, so critical to the County character. Stand alone commercial development should be designed to utilize the depth of property rather than only its width.

Housing will be most appropriately located in the Traditional towns, Villages and Hamlets that exist or that may be designated by municipalities in the Rural/Agricultural Landscape as growth areas. Safe, decent and sanitary housing is a fundamental human need, second only to adequate food. The data in the Housing Element illustrate the fact that far too many people who live in the Country live in substandard conditions. More than one in three households pay too much for housing. Many of those who work in Sussex County must live outside the State, with the attendant costs in time, money and quality of life that are attached to long commutes.



Housing in Sussex County, by reason and by law, must be accessible to all income groups and household types. The fact is that there are far too many low, moderate and middle income households forced to spend forty percent or more of their income for housing. Substantial numbers of Sussex workforce live in Pennsylvania because housing west of the Delaware River is substantially less expensive than in Sussex County, enough so that the personal and economic costs of extended commutes are accepted. Were housing available to the majority of those employed in the County, commuters would waste far less time and money; there would be less wear and tear on roadways; air and water pollution would be reduced; a more balanced tax base would result and the quality of life for a great number of people would be significantly improved.

The County continues to support expanded housing opportunities. As affordable housing (as defined by COAH) typically requires water and sewer infrastructure to support economically efficient densities, nearly all such new housing will be located in existing or proposed centers. Properly designed and priced, new and rehabilitated housing can bring life and vitality to existing centers and serve as an integral part of new centers acting as receiving areas for densities from the environs.

The challenge facing local and County governments is that, in the absence of sources of state and federal funding, it is the market, made up of private developers, non-profit organizations and the like, that actually creates housing. Government can only provide a regulatory framework within which housing is produced. Municipal compliance with the requirements of the New Jersey Fair Housing Act and receipt of Substantive Certification from the Council on Affordable Housing will provide the development community with clear direction an opportunity to create the needed housing.

In addition to the general population of mid to lower income households, the elderly and developmentally disabled populations face ever greater limits in their search for accessible and affordable housing. Many seniors and most of the developmentally disabled population subsist on very low incomes and are limited in their ability to work to earn larger incomes.

It is abundantly clear that the market in Sussex County produces large homes at high prices. These homes are out of reach of middle income households, to say nothing of low and moderate income households. As the price of the new homes escalates, so too, does the price of existing housing.

Sussex County is a comfortable, geographically desirable area in which to live. The rising prices felt here and in the rest of the state are a direct result of limited supply and strong demand.



Affordable housing can be mandated to be affordable to low and moderate income households, defined by COAH as those with incomes of less than 80% of the median household income for the four county region. The median household income in Sussex County is \$65,000.

Reachable housing, our term for housing within reach of households with incomes of 100% to 150% of the median (\$65,000 - \$97,500), would be, if available, affordable to middle income households. If the occupants pay no more than 30% of gross income for housing, their cost should be approximately \$19,500 per year. This translates into a mortgage payment of \$850 per month, plus taxes of \$6,000 per year and utility costs of \$2,000 plus \$1,300 per year for maintenance. With a mortgage of 90% of the total cost (\$142,000), reachable housing should run between \$158,000 and \$237,000. The supply of such housing in livable condition is, per report of the Sussex County Associate of Realtors, very low. Data from home sales in the report indicates that the median closing cost of homes in 2003 was \$247,548. Costs in the first five months of 2004 have risen an additional 10%. Incomes have remained roughly flat. Interest rates, long at historic lows, will increase, leading to reduction in the affordable mortgage. These data, more than the median value of housing in the County, point out the near crisis in housing in Sussex County.

Were municipalities able, with the cooperation and funding from the State, to invest in the infrastructure needed to support higher density housing, economies of scale might bring prices down. This is not altogether certain. The proximity of Sussex County to the northeastern New Jersey job market has fueled a great demand for housing while the supply of buildable land B either as raw land or a modified by water and sewer infrastructure B is sharply decreasing.

The County Administration has consistently supported the production of housing, particularly for those senior citizens and children now living in the County who are not able to support the costs of housing as they stand today. Beyond simply providing regulatory relief to affordable home builders, local governments must be sure that zoning is amended to permit high density housing, supported by water and sewer infrastructure in spite of the adverse school funding consequences on the local property tax. Young people and families are the future of the County and cannot be excluded by finance driven zoning decisions.

One tack which may be taken to assist the market in the provision of affordable housing is the Regional Contribution Agreement. This, permitted by the Fair Housing Act, allows a municipality to transfer part of its fair housing obligation to another in the four-County housing region. As the objective of this Strategic Plan is to provide opportunities in Sussex County to overcome the unmet demand for affordable housing, only where there is no municipality willing to act as a receiver should RCA money be sent to municipalities out of the County. These funds can be used to subsidize construction and conversion costs of new housing and for rehabilitation of existing homes.



In addition to the provision of central sewer collection systems, currently available and DEP accepted technological advances in individual on-site disposal systems allow much higher densities than would conventional systems. As noted in the resource conservation discussion, aerobic and denitrification systems remove nearly all solids and BOD, bacterial and viral contaminants, and nitrogen as nitrate. These are a relatively low cost alternative to larger scale treatment facilities and, as a highly efficient DEP approved technology, should be aggressively promoted for areas of relatively high density (8-10 dwelling units per acre) in lake communities and smaller centers.”

In discussing its varied landscape goals, the County Plan notes on pages 59, 63 and 66 that traditional town centers like the Village of Lafayette should be the focus of growth in a municipality.

- ☐ These will become the focus of the majority of development in Sussex County.
- ☐ Existing centers should be revitalized. Proposed centers should provide a wide range of densities, styles and mixes of development. Where necessary, sewer service areas should be expanded to accommodate this planned growth (See Exhibit 5, Existing and Proposed Sewer Service Areas). Centers increase the range of options for transportation in the Region.
- ☐ Provide a range of housing opportunities to all segments of the County population.
- ☐ Ensure that age-restricted housing is constructed in reasonable proportion to overall market/non-restricted housing.
- ☐ Site/expand at the most advantageous natural resource locations.
- ☐ Where disturbance is required (as, for example of steep slopes), employ extensive safeguards to offset the effects of such disturbance.
- ☐ Ensure that the carrying capacity of the site, as expanded through central water and sewer infrastructure, is the foundation of the center design and build out.
- ☐ Make provision for extension of infrastructure facilities to employment generators adjacent to centers.
- ☐ Where major employment facilities are to be located at some significant distance from an established center boundary, require on site service infrastructure and functional connections between such facilities and the center they support.



Under its Plan Strategies and Objectives, the County Plan states that the center is the preferred location for growth. Citing ten designated centers as well as existing functional centers such as the Village of Lafayette for which petitions were not submitted, the County Plan on Page 23, hints at eight additional centers to be considered in the future. Is the Village of Lafayette one of these centers to be considered in the future? For Nouvelle Associates, the future is now and Sussex County's Plan Endorsement should include the Village of Lafayette as one of the necessary steps to implement its long delayed affordable housing response.

Page 76 makes it clear of the importance of centers to the County Plan for accommodating future growth. The failure to include the Village of Lafayette as a Center in the County Plan and Plan Endorsement petition cannot be reconciled with the logical Center proposal that Nouvelle Associates is proposing for this area.

"The preferred development form set forth in the SDRP is the center. In Sussex County, these are traditional towns, villages and hamlets. Currently, there are ten designated centers in Sussex County with perhaps eight additional centers to be considered in the future. The lion's share of County development will be steered into these centers. They will be more efficient and diverse, consuming less land for given level of population. Strategies to support these centers are":

- ☐ Identify areas of the County with substantial carrying capacity to become new or expanded centers.
- ☐ Prepare center designs as templates for municipal consideration which emphasize pedestrian access and mixed uses.
- ☐ Work with municipalities to provide a complete range of housing opportunities within growth centers and additional housing in low growth centers in accordance with the purposes of such centers.
- ☐ Establish a Countywide housing rehabilitation program.
- ☐ Promote the use of Transfer of Development Rights (TDR) to move density from the environs into centers.
- ☐ Where appropriate, use Brownsfields programs to clean up polluted sites for redevelopment.



Nouvelle's Proposal

Sussex County, consistent with its planning strategy and goal statements, should designate a Center in Lafayette Township to reverse the Township's current noncompliance with the State Plan and its Mount Laurel housing obligations by providing an area for compact center development while preserving its environs.

Lafayette has the opportunity to implement a village center in the Township that will fulfill the intent of the State Plan by providing an area to accommodate the municipality's future growth, including its affordable housing obligation. Nouvelle Associates owns approximately 320 acres of undeveloped land in the Rural/Environmentally Sensitive Planning Area along Route 15 at its intersection with Sunset Inn Road that would be appropriate as a mixed use, mixed income village extension of historic Lafayette. The site, Block 9, Lots 6, 7, 17 and 21.01 and Block 10, Lots 3, 3.02, and 4 is in the HC Highway Commercial and R-5 Residential zone districts. Approximately seventy-five (75) acres are located on the northeast quadrant of Route 15's intersection with Sunset Inn Road (County Route 623) and approximately 244 acres are located in the northwest quadrant of the same intersection. Nouvelle Associates has proposed a mixed use, village-style development consisting of 208,000 square feet of retail and office floor area and 290 housing units that would include 142 single family detached homes, 83 townhomes and 65 low and moderate housing units in the form of rental apartments. Nouvelle's affordable housing proposal will address Lafayette Township's entire Mount Laurel housing obligation and provide a substantial credit surplus for future COAH rounds. Sixty-eight (68) percent or 206 acres of Nouvelle's site will be permanently preserved open space. The overall gross density will be below one dwelling unit per acre. Unlike other areas of Lafayette Township, Nouvelle Associates has the potential to provide public water and community wastewater service for all required affordable housing as well as the entire proposed center focused on the existing Village of Lafayette. Public water can be secured through the system serving Sparta Township.



The Nouvelle Associates site has superior soil, hydrogeological and environmental conditions capable of disposing of the projected wastewater demand. Nouvelle Associates is willing to work with the officials of Lafayette Township, Sussex County and the State Planning Commission to make reasonable revisions to this proposal to address any reasonable planning concerns.

Nouvelle Associates is specifically proposing that a 605 acre Center be designated by Sussex County and the State Planning Commission encompassing both the existing historic Lafayette Village as well as an appropriate area that would include both Nouvelle's 292 acre site as well as the existing concentration of land uses that already serves as the de facto center of Lafayette Township. As depicted on Map 3, the proposed Center would be an extension of the existing historic Lafayette at the intersection of Lafayette Meadows Road and Route 15, west along Route 94 to just beyond the intersection of State Highway Route 15 and County Road 623.

The proposed center include existing retail, services, and employment in the forms of the Lafayette Village Shopping Center, the municipal building, commercial uses along Route 15, and the Schering-Plough campus. Commercial uses, including the Schering Plough campus are the dominant developed land uses in this proposed Center with 25% of the total Center area. Residential uses comprise the second largest developed land use at 9 per cent of total proposed center area. Slightly more than half of this proposed Center or 54 percent is currently farmland. This farmland area includes Nouvelle's 292 acres or 89% of the total farmland acreage. The Nouvelle Associates portion would encompass 48 percent of the proposed Center for Lafayette. But, significant to its Center design, Nouvelle's site, 68% of which would be preserved open space, would comprise over one-third of the open space in this Center forming a substantial part of a greenbelt around this Center. Although the Nouvelle site and the area proposed for a Center is located in Planning Area 4B Rural/Environmentally Sensitive, the extension of historic Lafayette is consistent with sound planning principles and the goals, policies and objectives of the State Development and Redevelopment Plan. . This site presents an appropriate extension of the existing Village of Lafayette and the logical location to place affordable housing: in proximity to existing and future jobs and the transportation network.



Futhermore, it is also logical that the Township designate a Center in this area to accommodate its future development during the plan endorsement process they will have to undergo within three years of any attempt to obtain substantive certification. While the Nouvelle site contains some environmental constraints, there is more than sufficient amount of unconstrained land area to accommodate an inclusionary housing development which would accommodate Lafayette's entire Mt. Laurel obligation and provide a core center for its future development.

Historic Lafayette Is An Existing Identified Center

While Lafayette has not identified the Lafayette Village area as a Center, an earlier County document, the Sussex County Cross-acceptance II Report, appears to identify historic Lafayette as a center due to its village characteristics, which are identified in the report as, "served by one or more arterial highways, residential density of 2 or more units per acre, central water systems serve all or a part of the Town Centers."

The report goes on to further describe existing villages as, "Villages are concentrated, mixed use developments served by an arterial or collector road. They have a population between 250 and 4,500, and a density of 2 or more units per acre. The zoning allows both residential and commercial growth to occur. The villages often contain historic structures and an attractive rural character, often with restaurants and places to shop for tourists and residents alike." The proposed extension of historic Lafayette will continue to be compatible with these existing village characteristics.

A Mixed-Use, Mixed-Income Extension of Historic Lafayette

The creation of a Center at this location will unify the existing concentration of uses and provide the impetus for any necessary future improvements in the area, such as pedestrian and road improvements and housing rehabilitation. Currently this area is on the verge of being overrun by sprawl; by taking action now Lafayette has the opportunity to create a compact village that will maintain the Township's rural character and will reduce development demands for land throughout the rest of the Township.

Consistency With The State Plan

The Rural/Environmentally Sensitive Planning Area is a hybrid of the Rural Planning Area and the Environmentally Sensitive Planning Area, as the underlying planning area is the Rural Planning Area. However, it meets one or more qualifying features of the Environmentally Sensitive Planning Area. The proposed village center meets the intent of the Rural Planning Area and the Rural Environmentally Sensitive Planning Area.

- *Maintain the environs as large contiguous areas of farmland and other lands;*
- *Revitalize cities and towns;*



The village designation will protect the character of the existing Lafayette village by providing guidelines to ensure that new development will be compatible in architectural character.

- *Accommodate growth in centers;*

The proposed village center will provide an area to accommodate much of Lafayette's future growth.

- *Promote a viable agricultural industry*

The proposed village contains no active farmland and will in no other way detriment *the local agricultural industry.*

- *Protect the character of existing, stable communities; and*

The village designation will protect the character of the existing Lafayette village by providing guidelines to ensure that new development will be compatible in architectural character.

- *Confine programmed sewers and public water services to centers.*

While the site is not currently located in a wastewater service area, Nouvelle is prepared to construct an on-site wastewater treatment plan to serve a future mixed use village center which includes all of the affordable housing required of Lafayette Township. Scientific testing on an adjacent site indicates that groundwater conditions are suitable for wastewater disposal and an N.J.D.E.P. permit was approved for an on-site wastewater disposal system for the project adjacent to the Nouvelle site.

Furthermore, pages 208 and 209 of the 2001 State Plan provides additional detail of the appropriate development patterns in the Rural and Rural/Environmentally Sensitive Planning Area:

"Development and redevelopment in the Rural Planning Area should be encouraged in well defined Centers located and designed to achieve the area's Policy Objectives. Development should be guided to Centers with capacity to absorb growth in cost-effective ways that minimize impacts on rural features. Public water, wastewater, and other capital-intensive infrastructure should be provided only in Centers, except to mitigate life threatening and emergent threats to public health and safety. Private sector investment should provide the infrastructure for new Centers, except where public/private partnerships in Centers would benefit the public interest."

The State Plan indicates an identified village in the Township, Lafayette Village; however, both municipal planning efforts and the 2004 Sussex County Cross-acceptance Report nearly ignore this identification.



Page 72 of the County Cross-acceptance Report states, "The village of Lafayette is identified by the state as a center, but the township has made no efforts to solicit this designation." Instead, the township has implemented low density zoning throughout the township that is not consistent with State Plan policy.

Development of the site for center-based inclusionary housing is consistent with the following goals and policies of the 2001 State Development and Redevelopment Plan ("State Plan"):

- Goal #2. Conserve the State's Natural Resources and Systems. Page 36 of the State Plan states, "Plan, design, invest in and manage the development and redevelopment of Centers and the use of land, water, soil, plan and animal resources to maintain the biodiversity and the viability of ecological systems."

Nouvelle will construct a center-based mixed-use inclusionary housing development that will preserve the environmentally constrained features of the site.

- Goal #4. Protect the Environment, Prevent and Clean up Pollution. Page 62 of the State Plan states, "...accommodate ecologically designed development in Centers in the Fringe, Rural and Environmentally Sensitive Planning Areas ..."

Nouvelle will construct a center-based mixed-use inclusionary housing development that will preserve the environmentally constrained features of the site.

- Goal #6. Provide Housing at a Reasonable Cost. Page 79 of the State Plan states, "Create and maintain housing in the Metropolitan and Suburban Planning Areas and in Centers in the Fringe, Rural and Environmentally Sensitive Planning Areas, at densities which support transit and reduce commuting time and costs, and at locations easily accessible, preferably on foot, to employment, retail, services, cultural, civic and recreational opportunities."

Nouvelle will construct a center-based mixed use inclusionary housing development in proximity to a major regional intersection in the Township and in proximity to the Township's existing concentration of retail and services and will add a significant amount of new retail, office, cultural, civic and recreational activities.

- Policy 3, Housing Location Policies for Master Plans and Development Regulations, of Housing Statewide Policies, states, "In general, master plans and development regulations should encourage: the location of housing in proximity and easy access to employment areas; and the location of housing with densities of six dwelling units per gross acre or greater, within walking distance of schools, services, transit, civic and employment opportunities."

Nouvelle will construct a center-based mixed-use inclusionary housing development in proximity to a major regional intersection in the Township and in proximity to the Township's existing concentration of retail and services.



- Policy 20, Mixed-income Neighborhoods, of Housing Statewide Policies, states "Promote and support housing development and redevelopment which results in mixed-income neighborhoods."

Nouvelle will construct a center-based development containing commercial uses and affordable and market residential units.

CONCLUSIONS

To be endorsed by the State Planning Commission, the Sussex County Plan must be consistent with the State Plan and internally consistent. The State Plan encourages growth in centers and Sussex County should be required to designate the Lafayette Village as such a center. It is clear that such a center designation meets the necessary criteria.

An extension of historic Lafayette as a mixed-use, mixed-income village will enable the Township to accommodate for future growth, including affordable housing units, in a compact form, consistent with the policies of State Plan and the stated goals and policies of the Sussex County Strategic Plan.

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MAP 2

LAND AREA

PROPOSED VILLAGE CENTER

MASTER

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Food safety

References

DAVID NEALE

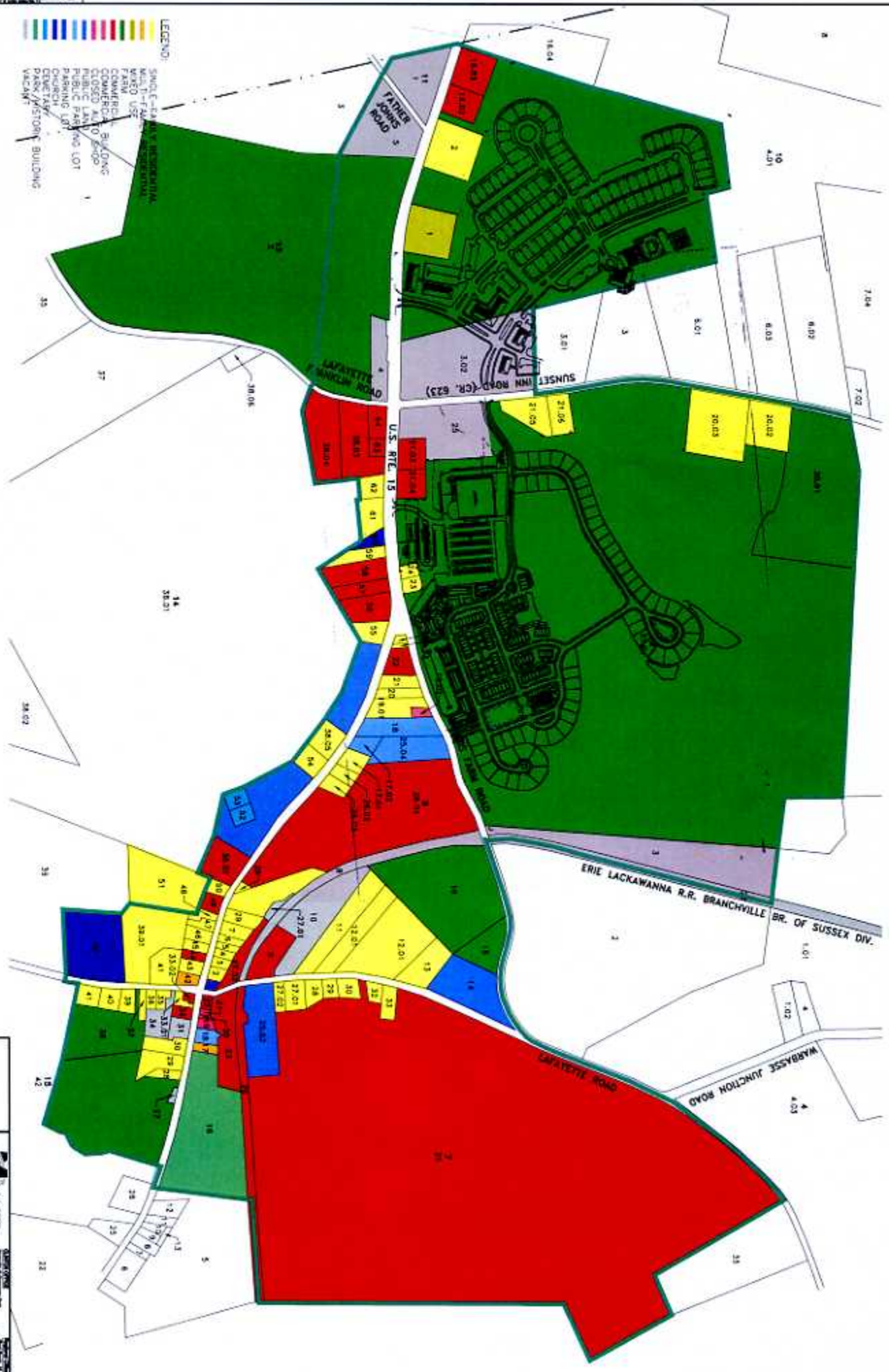
PROPOSED WILLAGE CENTER

COLLEGE INFORMATION SITE

GROUP OF LEARNING PLANNING QUALITY

- LEGEND**
- SINGLE-FAMILY RESIDENTIAL
 - MULTI-FAMILY RESIDENTIAL
 - COMMERCIAL
 - INDUSTRIAL
 - OFFICE
 - CONCRETE BUILDING
 - CLOSED AUTO SHOP
 - PUBLIC LAND
 - PARKING LOT
 - CHURCH
 - CONCRETE BUILDING
 - PARK/HISTORIC BUILDING
 - VACANT

This map was prepared by the New York State Department of Transportation, Office of Planning and Research, in cooperation with the Erie Lackawanna Railroad Company, for the purpose of showing the proposed village center including the new site. The map is not to be used for any other purpose without the written consent of the New York State Department of Transportation.



MAP 3

MASER
 1000 ROUTE 100
 SUITE 100
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 FAX (518) 486-1001
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PROPOSED VILLAGE CENTER
 INCLUDING NOUVEAU SITE
 TOWN OF ALBANY, SARATOGA COUNTY, NEW YORK