



WASHINGTON TOWNSHIP

Washington Township's Commitment to Prevent Overdevelopment

Questions and Answers Regarding the King's Highway Property

April 11, 2025

Dear Residents,

I hope this letter finds you well. The preservation of Washington Township's farms, woodlands, open spaces, and rural character is a success story. Washington Township has almost 5,000 acres of preserved farmland, most of any Morris County municipality. In addition, over 800 acres of open space has been preserved as well as over 400 acres of beautiful state, county, and municipal parkland. It is everyone's shared goal to prevent the incompetent overdevelopment of our community at the expense of our open space and protected natural resources.

The preservation of Washington Township's natural beauty and environmental resources is not a result of luck, but the product of reasonable and fact-based decision-making by the current and past Township Committees. Each of us on the Township Committee, like all of you, have chosen to live in this community for the beauty, character, and serenity of this place we call home. It is in this context, that the Township Committee has worked diligently to protect these natural resources, while continuing to remain fully compliant with the State's constitutional requirements to meet the Township's affordable housing obligations mandated by Trenton.

None of us want to see the protected natural resources in the Township destroyed or compromised by overdevelopment. Indeed, the Township Committee and all residents of the Township are obligated to be good stewards of the natural lands and waters for the betterment of the Highlands Region.

This inevitably requires intelligent and creative planning for the future of not only the Township, but the Highlands Region. And the Township Committee will continue to fight hard and plan intelligently for the future well-being of this community and many other places throughout the State that rely on our Township for clean water.

To help everyone better understand what is currently happening as it pertains to the Kings Highway Redevelopment Ordinance, I am attaching a Q&A for your review.

I wish everyone a great spring and I look forward to seeing everyone out and about town.

Best,

Michael A. Marino, Mayor

INFORMATION FROM THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WASHINGTON REGARDING THE KINGS HIGHWAY REDEVELOPMENT PLAN ORDINANCE

1. WHAT IS THE KINGS HIGHWAY REDEVELOPMENT PLAN ORDINANCE?

The Kings Highway site is a privately owned property with owners who would like to build on their property. In 2013 the property owner presented the Township with a proposal to develop 220 units, perhaps rental units, on the premises. Over the past few years, the property owner proposed reducing the density from over 220 units to 125 units consisting of 100 market rate townhomes and 25 affordable housing units.

The Ordinance is a Redevelopment Plan which addresses a site that is 42 acres in size and was formerly an industrial facility that consisted of over 3.2 acres (140,000 square feet) of industrial space with extensive parking, paving and driveway improvements, including an 8,000 square foot office building, located in the residential area of Kings Highway within the Township. The property has received approval from the Highlands Council to construct on approximately 10-acres of the premises under Highlands Exemption #4, which permits development of up to 125% of the impervious coverage existing on the site as of June 2004. The remaining 32 acres are restricted from future development.

2. IS THE TOWNSHIP WAIVING THE REQUIRED IMPACT STUDIES?

Absolutely not. The development will have to conform to all applicable federal, NJDEP and Highlands Region environmental standards, including wetlands, wetlands transition areas and flood hazard areas. Restrictions as to wetlands, buffers, and endangered species investigations are not being waived by way of this Ordinance. The developer will have to comply with any and all of these standards.

3. WHY WAS THE “WAIVER” LANGUAGE INCLUDED IN THE ORIGINAL ORDINANCE?

The language was put into the ordinance by our planning professionals for a number of reasons. First, to avoid any ambiguity that the cost of the impact studies would be borne by the developer and not by the taxpayers. Second, as it pertains to local studies for a development, certain studies may, in accordance with state law, be waived by the Land Use Board at its discretion.

However, the Township Committee does understand that having “waiver” language in the Ordinance does not provide certainty to our residents. As a result, all reference to the waiver of impact studies will be removed from the Ordinance and the impact studies will be addressed by the Land Use Board.

4. WHY HAS THIS ORDINANCE COME FORWARD NOW AND WHO MADE THE REQUEST?

The Kings Highway site is a privately owned property with owners who would like to build on their property. Being a former industrial site, some development would eventually occur on the premises. In 2013 the property owner presented the Township with a proposal to develop 220 units, perhaps rental units, on the premises. Over the past few years, the property owner proposed reducing the density from over 220 units to 125 units consisting of 100 market rate townhomes and 25 affordable housing units. When we refer to “affordable”, it means a family of three’s income to qualify for these units can be no more than \$93,180.

5. WHY HAS THE ORDINANCE BEEN REINTRODUCED AFTER IT WAS DEFEATED IN DECEMBER, 2024?

Currently, the Township has control over its local zoning as a result of its compliance with prior affordable housing rounds. If the Redevelopment Plan Ordinance for this property is adopted, the property will be developed at a minimal density and, at the same time, assist in meeting the Township’s affordable housing obligation imposed by state law in the fourth round.

If the Township does not meet the state imposed affordable housing obligations, a court can override the Township’s authority to control local land use development, and order this site - and other properties throughout the Township - to be developed at much higher densities than currently exist in the Township without any regard for local zoning.

6. WHAT “DEALS” WERE GIVEN TO THE KINGS HIGHWAY PROPERTY OWNER WITH RESPECT TO THIS DEVELOPMENT?

There are no deals. Washington Township has made no promises nor provided any financial or tax incentives to the property owner or property developer.

The only promise that would be made is that the property would not be developed any further than the density of 3.2 dwelling units per acre. If you look throughout Morris County, new affordable housing developments have been approved by the courts for densities as high as 18 units an acre, or over 650 units. Accordingly, the property owner would agree not to pursue any additional development on the site.

7. WHY ARE THERE ALL THESE CONCERNS REGARDING SCHOOL POPULATION?

The Township Committee always considers the impact of development on the community. However, it is illegal for the Township to zone property to preclude children in the schools. The Township cannot zone with respect to school children. In fact, state regulations require that municipalities zone for affordable family housing units, including both affordable rental and ownership family units. The Township has witnessed the pace of development drop off dramatically since the enactment of the Highlands Act in 2004, but not all developable land has been consumed by development since that time. This property remains one of the developable sites in the Township and was originally proposed in a higher density form. Therefore, addressing 100+ residents to join a population of over 18,000 residents is never taken lightly but should not be the reason to reject a plan for development or rezoning.

8. WHAT HAPPENS IF THE TOWNSHIP REJECTS THIS ORDINANCE?

The property owner reserves their own legal options, but may seek to fight for more density with the assistance or protection of the court through affordable housing litigation seeking a “builder’s remedy”. This could result in the property owner proposing a development on the property at a higher density with uses such as apartment buildings. Moreover, the property owner could make an application for a use variance, again for much higher densities or expanded use(s) of the property. Recognizing the Township has an affordable housing obligation that the State requires it to meet, and the fact that this is an inactive industrial site that has been approved by the Highlands for development, subject to all federal and state regulations; if the Redevelopment Plan Ordinance is not adopted the property could still be developed with the Township having no ability to agree upon density, the type of use, or the type of units.

9. WHY ARE THERE ALL THESE PETITIONS AND CONCERNS REGARDING THIS DEVELOPMENT?

With regard to redevelopment projects, residents often become accustomed to properties being vacant for some time. However, in this particular case, this site was once a viable industrial facility. At some point, the property owner will have the right to take steps to develop or redevelop their land. The Township is considering this Redevelopment Plan for redevelopment of this inactive industrial site, with Highlands Council approval, as a low-density development that is much more beneficial to the residents than the alternative, which is one or more much larger developments in the Township, including at this site.

10. IS THIS REDEVELOPMENT PROCESS UNUSUAL?

No, it is not unusual. It is permitted under New Jersey law and, in fact, a number of communities have utilized this tool. In doing so, those municipalities have provided developers with financial incentives and tax abatements for high density development of between 18 to 20 units an acre and other types of measures. In this particular case, the density is 3.2 dwelling units per acre and there are no financial incentives with respect to the property and the market rate units.

11. HOW WILL THE PROPOSED ZONING ORDINANCE HELP THE REST OF THE TOWNSHIP?

If this Ordinance is adopted, the Township will satisfy a potential significant aspect of its State imposed affordable housing obligation. It will assist in preventing additional development or a court ordering high-density development or redevelopment on vacant land or oversized parcels throughout the Township. In fact, the laws have already been amended to allow for high-density developments to be constructed in any neighborhood.

The Township Committee is seeking to comply with the law. The Township Committee’s objective is and has been to maintain the character of the Township. The Committee also is working to keep the Township from becoming the subject of sprawl and high-density development, with densities of 15 to 18 units per acre or more, in pocket areas of established neighborhoods.