

2025 Master Plan Reexamination Report

Branchville Borough Sussex County, New Jersey



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JUNE 11, 2025

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1. Introduction

The New Jersey Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-1 et seq.) provides that each municipality within the State of New Jersey periodically reexamine its Master Plan policies and assumptions, and its zoning restrictions and site plan and subdivision regulations, and prepare and adopt by resolution, a report on the findings of such reexamination. The Reexamination Report must include the following components (N.J.S.A. 40:55D-89):

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.
- f. The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

Branchville's last comprehensive Master Plan (1994) was adopted by the Borough in 1995, and updated Master Plans were adopted in 1999, 2003, 2006, 2008, and 2018. The 2008 comprehensive Master Plan Update involved a Housing Element and Fair Share Plan to address the Borough's affordable housing obligation under the Third Round of regulations of the New Jersey Council of Affordable Housing ("COAH"). Reexamination Reports were completed in 1994, 2006, and 2017. Furthermore, an updated Housing Element and Fair Share Plan was adopted on June 13, 2007, and revised and re-adopted on December 10, 2008. Additionally, a Housing Element and Fair Share Plan Addendum was adopted in 2016 in order to bring the Borough into compliance with the New Jersey Supreme Court decision of March 2015. Furthermore, the Addendum affirmed and readopted the 2008 Housing Element and Fair Share Plan, except for those portions that are no longer applicable and/or superseded by the Addendum.

Since the time of adoption of the last Master Plan Reexamination Report in 2017, the assumptions, policies, and objectives upon which the Master Plan is based have changed by virtue of the State of New Jersey adoption of Bill A4/S50 on March 20, 2024. This Bill codifies the Fourth Round (2025-2035) of the State's affordable housing cycle, which begins on July 1, 2025.

Accordingly, the Planning Board has reexamined the Borough Master Plan and development regulations to determine the specific changes necessary to achieve conformance with this new legislation. It is the intent of this Report to identify the specific revisions needed to bring the Borough Master Plan and development regulations into conformance with the New Jersey Bill A4/S50.

2. Major Land Development Problems and Objectives in the Last Reexamination Report

The following is a list of major problems and objectives relating to land development in the Borough at the time of the adoption of the last reexamination report. This section of the Reexamination Report is important to establish the context of the planning policies contained in the municipality's master plan and other official planning and zoning documents of the community.

Affordable Housing

The Branchville Borough Master Plan, specifically the Housing Plan and Fair Share Plan, should be amended to comply with the COAH Growth Share Rules. The Governing Body should prepare the appropriate ordinances and apply to COAH for Certification.

3. Extent of Reduction or Increase in Problems and Objectives

The extent to which each of the problems and objectives listed in item 2 above, have been reduced or have increased subsequent to the date of the last reexamination report, specifically as a result of passage of A4/S50, is indicated below, in the same order provided at 2, above:

Affordable Housing

The Borough did not submit a petition to COAH under the Third Round Growth Share Rules. Those rules were struck down by the Courts. Subsequently, on March 10, 2015, the State Supreme Court declared COAH ineffective in enforcing the Fair Housing Act and moved these duties to the courts via assignment judges by County.

Branchville filed a declaratory judgement in July 2015 requesting confirmation from the Court that its 2008 Housing Element and Fair Share Plan is constitutionally compliant. In the proceeding, the Borough was required to prepare a compliant Third Round Housing Element and Fair Share Plan for the period 1999-2025. The Borough prepared a Housing Element and Fair Share Plan Addendum in 2016 to demonstrate compliance with the Round Three obligation.

On March 20, 2024, Governor Murphy signed into law Bill A4/S50, codifying the Fourth Round of affordable housing. To comply with this law, the Borough should prepare a new Housing Element and Fair Share Plan that satisfies its fair share of affordable housing units for the time period of 2025 through 2035.

4. Significant Changes in Assumptions, Policies, and Objectives

Since the last Reexamination Report of the Borough Master Plan, the passage of A4/S50 has significantly altered and increased the objectives that must be addressed in the Borough Master Plan. Municipalities must identify mechanisms through which to address their Fourth Round obligations, which were released by the New Jersey Department of Community Affairs on October 18, 2024. Branchville has a Fourth Round present need obligation of four (4) units and a prospective need of 38 units and will identify mechanisms to meet these obligations in an updated Housing Element and Fair Share Plan.

5. Specific Recommended Changes to the Master Plan or Development Regulations

An updated Housing Element and Fair Share Plan dated June 11, 2025 addressing the affordable housing obligations of the Borough of Branchville should be adopted and submitted to the Dispute Resolution Program by the June 30, 2025 Fair Housing Act deadline.

The June 11, 2025 Housing Element and Fair Share Plan is proposing inclusionary zoning as a method to address the affordable housing obligation. The inclusionary zones should be adopted in order to implement the Housing Element and Fair Share Plan. Any other ordinance required to implement the Housing Element and Fair Share Plan should also be adopted.

6. Changes Recommended for Incorporation of Redevelopment Plans

At this time, the Planning Board makes no findings or recommendations concerning the incorporation of redevelopment plans pursuant to the Local Redevelopment and Housing Law, P.L. 11992, c.79 (C.40A:12A-1 et al.).

7. Changes Recommended for Public Electric Vehicle Infrastructure

The Planning Board recommends Public Electric Vehicle charging stations in municipal parking lots and at municipal facilities.