

Evesham Township
Burlington County, NJ

North Elmwood Road Vicinity
LD Low Density Zoning District Assessment



North Elmwood Road

May 29, 2007

Prepared by:
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Introduction

At the request of Township Council we have performed an assessment of the LD zoning district in the vicinity of North Elmwood Road and Evesboro Medford Road. The study area is identified on Exhibit A. In total there are four distinct areas zoned LD within the Township, totaling approximately 1,572 acres. The study area is the LD zoning district north of Evesboro-Medford Road and south of the Township boundary with Mount Laurel. The study area consists of approximately 991 acres. The reason for this assessment and analysis is concern and uncertainty among some property owners and the governing body about whether the zoning and development patterns in the area are consistent with one another.

Whereas land use patterns in the southern portions of Evesham Township are regulated by the Pinelands Comprehensive Management Plan to ensure limited disturbance of natural resources, land use patterns in the northern portion of the Township are regulated by state and local agencies. The areas west of the study area are heavily developed with residential and commercial development, but until recently the study area has remained relatively rural in character. As available developable land in desirable areas such as Evesham Township diminishes, development pressures on the remaining lands increase and creative planning is required to balance conservation and growth. Much of the study area has been identified by the NJDEP as "potential critical environmental sites" on the draft Preliminary State Plan Policy map based on NJDEP data that shows the presence of freshwater wetlands, stream corridors, and possibly other environmental factors. The specific environmental characteristics must be identified on a site-by-site basis prior to site planning and subdivision, however the general environmental information is useful on an area wide basis to guide appropriate land use.

Background

In 2005 the Township contracted with the Planning Board's planner (The Waetzman Planning Group) to develop a new Master Plan. The owners of property along North Elmwood Road wrote to the planner requesting that consideration be given to rezoning the North Elmwood Road area for ½ acre lots. The concerned property owner(s) indicated that other development had been approved and/or constructed on ½ acre lots in the immediate vicinity and that retaining the LD zoning was an unfair burden on a small number of property owners. It is unclear whether this issue was discussed at the Planning Board level, but the Land Use Element that was ultimately adopted on August 17, 2006 and amended on September 20, 2006 does not address it. The purpose of this analysis is to determine how developments within the LD zoning district compare with the zoning requirements and to consider whether the LD zoning is appropriate given the characteristics of the area.

Characteristics of the Study Area

The study area is illustrated on **Exhibit A**. The 991 +/- acre area has a residential character and is presently within the LD Low Density Zoning district. The purpose of the LD zone as set forth in Section 160-63A is to protect the environmental value of areas that do not have the infrastructure to support large areas of development, to serve as a transitional area between developed areas and low density or protected areas and to help to establish an informal urban growth boundary. The ordinance states that the areas located within the LD zone do not presently have public sanitary sewer facilities or public water facilities available and indicates that based on information available at the time the zoning was adopted, a limited amount of sanitary sewer service was anticipated be available to the LD zone. Given the soils and groundwater conditions in the area, it was determined that septic systems would not properly function on lots less than 2 acres. The requirements of the LD zoning district in accordance with section 160-63 of the Township Zoning Code are as follows for single family homes.

LD Zoning District Requirements Section 160-63	
Minimum lot size for single family detached homes without public water and sewer and with a conventional septic system	2 acres (.5 unit per acre density)
Minimum lot size for single family detached homes with public water and public sewer or alternative design septic system on a minimum of 20 acres	1 acre (up to 1 unit per acre density)
Minimum Lot width Standard 2 acre lot Cluster 1 acre lot	200 feet 150 feet
Maximum clearing limit ratio Standard 2 acre lot Cluster 1 acre lot	.20 .25
Front Yard Setback Standard 2 acre lot Cluster 1 acre lot	100 feet 60 feet
Side Yard setback Standard 2 acre lot Cluster 1 acre lot	50 feet 25 feet
Rear Yard Setback Standard 2 acre lot Cluster 1 acre lot	50 feet 40 feet
Maximum Impervious coverage Standard 2 acre lot Cluster 1 acre lot	.15 .20
Minimum open space with cluster development	.20
Minimum buffer to Evesboro Medford Road	200 feet

For comparison, the Medium Density (MD) zoning district is intended to permit infill development consistent with existing land uses and permits the same lot size and density as the LD zone where public water and sewer are not available, but permits up to 2 units per acre on tracts of 5 acres or more with public water and sewer service.

Within the study area, approximately 26.5 acres are township owned, 169 acres are privately owned open space associated with development, 55.88 acres are associated with the PSE&G transfer station on Sharp Road, and 113 acres are permanently preserved farm land and open space. Seven lots are farmland assessed (387 acres +/-), though some of those have development approvals.

Environmental Conditions

Driving along North Elmwood Road it is evident that the study area contains forested wetland areas. **Exhibit B** shows that the area is low-lying and fragmented by wetlands. According to the NJDEP's unofficial digital GIS data, approximately 53% of the study area is wetlands. With required wetlands buffers, the undevelopable area is even greater. As pointed out by the Department of Community Development's October 17, 2006 letter to the Burlington County Planning Department, wetlands areas will be protected and preserved regard less of the planning area designation. Many of the existing lots along North Elmwood Road are long and narrow with less than 300 feet of road frontage.

Whereas surrounding areas have been historically farmed, much of the study area remained wooded, presumably because of wet conditions and hydric soils.

State Planning Areas

In accordance with the State Plan Policy Map, which was approved in 2001, the entirety of the study area was located within the Fringe Planning Area, PA-3. According to the State Plan, the Fringe Planning Areas serve as a transition between rural and suburban landscapes. The fringe planning areas are generally lacking in infrastructure investments, adjacent to Metropolitan (PA-1) or Suburban (PA-2) areas and are not prime agriculture or environmentally sensitive areas. In the case of the fringe area in the northern portion of Evesham Township, the area was lacking in public water and sewer infrastructure and was less densely developed than the areas to the west, but it is bound to the north and south by the suburban and metropolitan planning areas. The fringe area intends to accommodate growth in centers, however the fringe area in Evesham is not of sufficient size to site a distinct center. The PA-3 fringe area reflected the existing conditions which included farmland and open space and scattered residential and commercial development.

The planning area changes currently proposed by the Office of Smart Growth as part of Cross Acceptance III would eliminate the Fringe Planning area in the study area on all but one 113 acre tract (the Musulin farm), which is restricted by farmland and conservation easements. The proposed changes are shown on **Exhibit C** and would include parts of the existing LD zone in the suburban (PA-2) planning area and parts in the Environmentally Sensitive (PA-5) planning area. The Township's Community Development Department has expressed some concerns about the proposed PA-5 designations because they fragment the area and are somewhat inconsistent with existing development approvals and the approved sewer service area.

Existing and Proposed Development

The table below provides information about development within the study area. **Exhibit D** shows the parcels within the study area that are farmland assessed and the locations of the developments noted below.

Block and Lot	Current Zoning (Previous)	Tract Size	Current or approvals or existing use	Average residential lot size	Development Name or Owner	Open Space	Overall units per acre
B 14, L 1	LD	36.58 acres	21 single family	1 acre+	Hayverhill	7.9 acres	.55
B 14, L 2	AH-3 (LD)	46.6 acres	104 affordable units	Apartments (COAH)	Evesham Twp and MEND	30 acres+	2.23
B 15, L 11A, 11B-1, 13, 16, 17, 18	LD (R-1)	81.42	53 single family	.56 acre	Riding Run Estates	45.07 acres	.65
B 11, L 17, 19, 19A,B, 19E, 20	LD (R-1)	110.89	146 single family	.26 acre	The Woodlands	56.30 acres	.76
B11.53, L 1-16	LD	21.45	14 single family	1.04 acre	Tuxedo Court	4.8 acres	.65
B	LD	109 acres	170 single family	.17 acre	Colts Run	64 acres	1.55
B 15, L 2	LD	55.88 acres	Cox Corner Transfer sta.	n/a	PSE&G	n/a	n/a
B 15, L 3, 4, 5,	LD	42.6 acres	42 market units (twins)	unknown	Leonard Eisner	15+ acres	.98

Conclusion

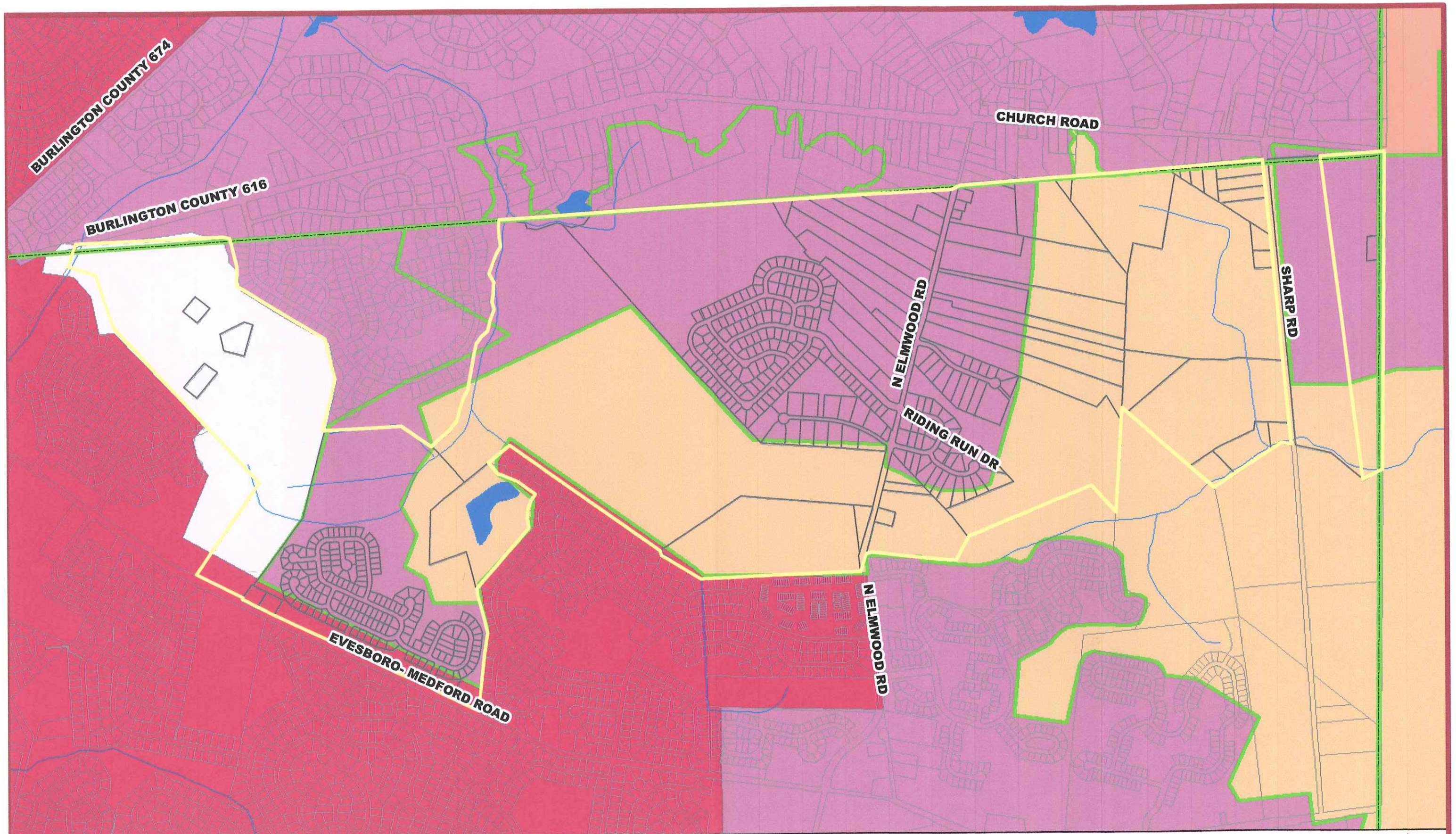
The Low Density (LD) zoning district was established to maintain consistency with existing land use patterns, the State Plan Policy Map, environmental constraints and infrastructure availability. The area is severely constrained by wetlands and high ground water tables. Nearly all of the study area is now within the approved sewer service area and it is our understanding that sewer lines are either installed or will be installed along Evesboro Medford Road, Sharp Road and North Elmwood Road up to Riding Run. Considering the environmental constraints, it is appropriate to maintain the minimum 2 acre lot size where public water and sewer are not available. However, it seems that nearly all of the study area could be served by public water and sewer service if capacity is available and if a developer/ property owner were willing to pursue permits and make the necessary capital investment.

Observation of nearby developments has given rise to concerns that developments in and around the study area LD zone have not been consistent with the LD zone requirements, and that the value of those properties that remain undeveloped or lightly developed may be unfairly impacted by the Low Density requirements. As evidenced in the table above, some developments have been approved with smaller individual lot sizes over the years, but the overall density has seldom exceeded 1 unit per acre, which is what is permitted in the LD zone with public water and sewer. The senior citizen developments that have been approved further south in the SEN-1, SEN-2 and IP districts contain smaller lots, but the Master Plan points out on pages 24 through 28 that there are sufficient age-restricted units in Evesham and surrounding municipalities and additional age-restricted development beyond what is already approved is not recommended.

Recommendation

The environmentally sensitive nature of the area is cause to retain the LD zoning densities (.5 units per acre without public water and sewer and 1 unit per acre with water and sewer and a 20% open space set aside). However, in order to provide flexibility for development of upland areas where public sewer and water service capacity are available, the Township Council may wish to amend the zoning requirements to permit lot sizes to be reduced to approximately .5 acre (20,000 square feet) or less as long as the gross density of one unit per acre is not exceeded and the resulting open space is preserved with a conservation easement in perpetuity. This change to permit "conservation design" or "clustering" would not disrupt the development patterns that have extended into the area, as other developments have utilized a "cluster" model to preserve open space by placing homes on smaller lots (such as Riding Run on ½ acre lots). This provides the opportunity to preserve large contiguous open space areas and promotes efficient development where the capacity to absorb such development exists.

If "conservation design" is to be permitted, the ordinance should encourage coordinated development with pedestrian and vehicular connections to adjacent lots where possible. With conservation design, the zoning scheme will encourage harmony between natural systems and residential growth.



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Township of Evesham
Burlington County, NJ

*This map was developed using NJDEP Geographic Information System digital Data, but this is a secondary product which has not been verified by the NJDEP and is not stat. authorized.

State Plan Map	
Sources:	
Parcel Data: Cross Acceptance III Preliminary State Plan Policy Map OSG	
Scale: 1"= 1000'	
Date: May 30, 2007	Proj:EVT 2007
Prepared By: Ryan Conklin	

STUDY AREA

EXHIBIT C

- Legend**
- LD Zoning Boundary "Study Area"
 - Municipal Boundary

- State Planning Areas**
- PA1 - Metropolitan Planning Area
 - PA2 - Suburban Planning Area
 - PA3 - Fringe Planning Area
 - PA4 - Rural Planning Area

- Proposed State Planning Areas**
- PA2 - Suburban Planning Area
 - PA5 - Rural/ Environmentally Sensitive Planning Area





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Aerial Wetlands Map
Sources:

Parcel Data: Burlington County Planning Dept.

Scale: 1"= 1000'

Date: May 30, 2007 Proj: EVT 2007

Prepared By: Ryan Conklin

STUDY AREA

EXHIBIT B

Legend

- LD Zoning Boundary "Study Area"
- Municipal Boundary
- Parcels
- Wetlands

1,000 500 0 1,000
Feet





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Aerial Map
Sources:

Parcel Data: Burlington County Planning Dept.

Scale: 1"= 1000'

Date: May 30, 2007

Proj: EVT 2007

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STUDY AREA

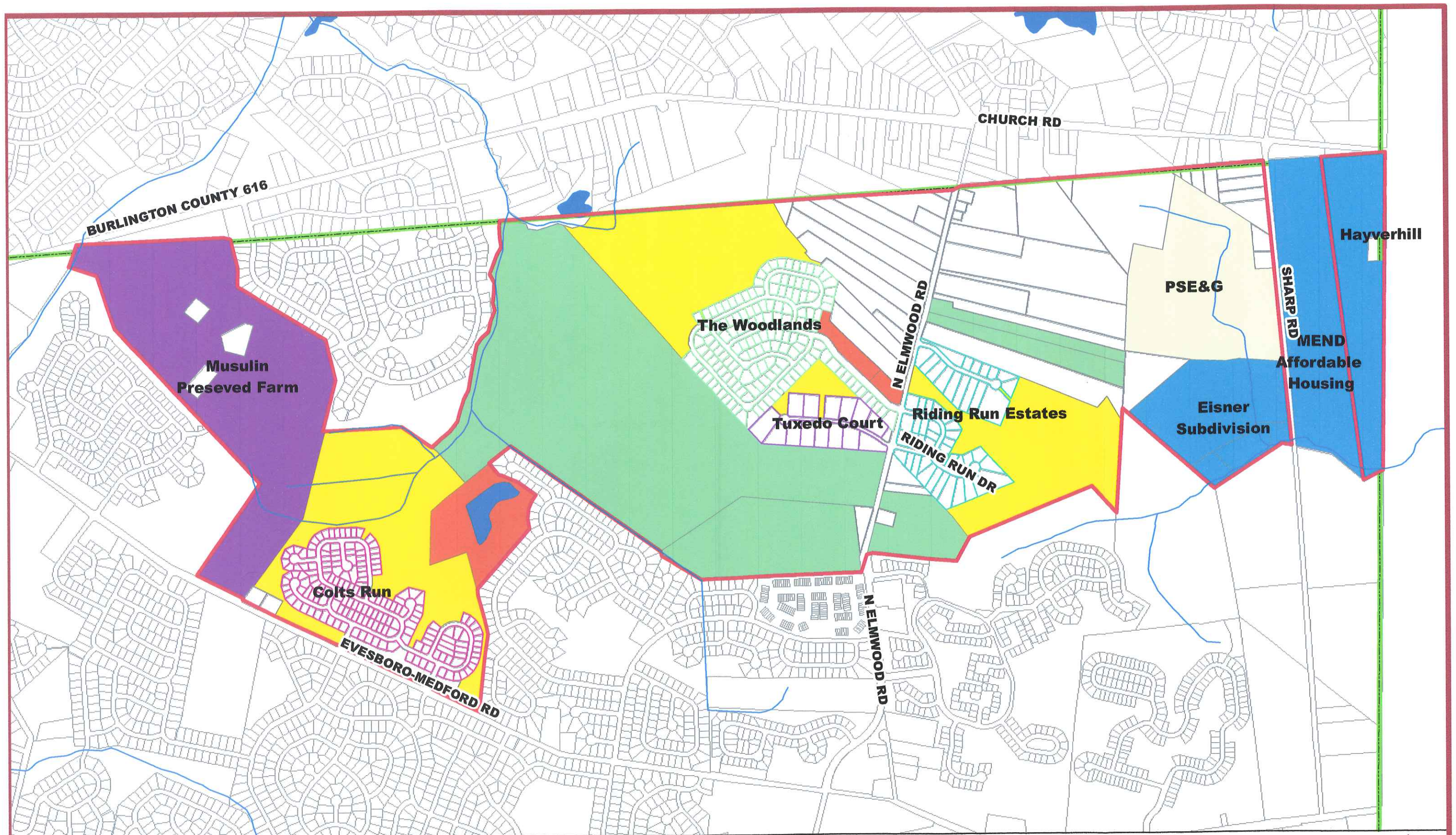
EXHIBIT A

Legend

- LD Zoning Boundary "Study Area"
- Municipal Boundary
- Parcels

1,000 500 0 1,000
Feet





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Open Space and Development Map	
Sources:	
Parcel Data: Burlington County Planning Dept.	
Scale: 1"= 1000'	
Date: May 30, 2007	Proj: EVT 2007
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STUDY AREA

EXHIBIT D

Legend

- LD Zoning Boundary "Study Area"
- Municipal Boundary
- New Developments
- Township Owned
- Private Open Space
- Farm Qualified
- Musulin Preserved Farm

1,000 500 0 1,000
 Feet

