

TAVISTOCK BOROUGH MASTER PLAN REEXAMINATION AND AMENDMENTS

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Adopted by the Tavistock Borough Commissioners on ____ by
Resolution _____

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TAVISTOCK BOROUGH P.O. Box 218, Barrington, NJ

2021 Tavistock Borough Commissioners

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The original of this document was signed and sealed in accordance with N.J.A.C. 13:41-1.3.b

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Introduction

The municipal Master Plan is a document, adopted by the Planning Board, which sets forth the Borough's land use policies. The Master Plan is the principal document that addresses the manner and locations in which development, redevelopment, conservation and/or preservation occur within a municipality. It is intended to set forth the objectives, principles, assumptions, policies and standards upon which the physical, economic, and social development of the Borough will be based. It also serves as a decision-making guide for both public officials and private interests involving the use of land. Through its various elements, the Master Plan sets out a vision for the community in the coming years.

The Master Plan forms the legal foundation for the zoning ordinance and zoning map. New Jersey's Municipal Land Use Law specifically ties the planning of a community as embodied in the Master Plan with the zoning ordinance and zoning map. The zoning ordinance and map, which are adopted by the governing body, constitute the primary law governing the use of land at the local level. Under New Jersey's Municipal Land Use Law N.J.S.A. 40:55D-1 et seq., (hereinafter "MLUL") a zoning ordinance must be substantially consistent with the land use plan element of the master plan.

A Reexamination Report is a review of previously adopted Master Plans, amendments, and local development regulations to determine whether the ideas and policy guidelines set forth therein are still relevant and consistent with the municipality's evolving needs. The reexamination assesses how the assumptions, policies and objectives that form the basis for the Master Plan and development regulations have changed since the last Master Plan was adopted and to determine whether any specific changes to the Master Plan or development regulations are recommended. Under New Jersey's Municipal Land Use Law, the Planning Board must conduct a general reexamination of its Master Plan and development regulations at least every ten years.

This report constitutes the Master Plan Reexamination Report of the Borough of Tavistock and also serves to update the Borough's Master Plan. The Borough of Tavistock adopted a comprehensive Master Plan in 1994. From a land use standpoint, not much has changed in the Borough in the 27 years since the Master Plan was adopted. Yet in that time society, the economy, and the regulatory environment have evolved in many ways. In order to provide context for the reexamination report, the report begins with a brief review of the Borough's history, its relationship to surrounding municipalities, and the unique challenges that come with being the municipality with the smallest population in the State of New Jersey.

Planning Context and History

The land area of Tavistock is approximately 160 acres, which equates to roughly .25 square mile. The Borough is located in north central Camden County and is bordered by Haddonfield Borough to the north and east, Lawnside Borough to the south and Barrington Borough to the west. The land area of Tavistock Borough was for generations part of the 300-acre Tavistock Farm, which was part of the Gill family estate, located in Centre Township¹. In 1917 the entire property was sold, and in 1921 a 178-acre portion of the farm was sold by Frank Middleton, Jr. to the newly incorporated Tavistock Country Club (“the Club”). In 1921 the New Jersey State Legislature adopted a bill to create and incorporate the Borough of Tavistock. The creation of the new municipality enabled the members of the Club to play golf and other recreational pursuits on Sunday; which the blue laws that applied in Centre Township and Haddonfield Borough had prohibited. Later that year the golf course was completed and the clubhouse followed. In 1958 a portion of the golf course was dedicated to the extension of Highway I-295, and portions of the course were redesigned accordingly.

The municipality was founded to serve the purpose of establishing a haven for golf and recreation, and has been governed and unified by that purpose in the 100 years that have followed. Though small in geographic area and in population, Tavistock is operated efficiently. The Borough has shared services agreements with several surrounding municipalities. The Borough aims to retain its independence as a municipality and to maintain an effective bureaucratic structure that enables self-sufficiency and shared services. Though Tavistock is particularly unique insofar as the number of residential dwellings that are located in the municipality and the resulting small number of residents, it functions much like other small municipalities in the State that enter into shared services agreements to gain efficiencies in municipal service delivery.

Most municipal master plans include details about historical population and housing trends as well as documentation of land use changes, assessment of the evolving needs of the municipality, and responses to changing conditions. These elements are present in Tavistock’s Master Plan and in this Reexamination Report, but they are concise. Tavistock’s small size and unified vision enables the Borough to efficiently focus on its purpose and to be responsive to the community’s needs without extensive and duplicative organizational and regulatory systems.

Population and Employment Overview

Tavistock’s current population is 9 persons. Though the 2020 US Census data has not yet been released (as of April 2021), counting the population of the Borough is a simple exercise because there are only four permanent housing units. The 2010 Census reported that the Borough’s population was 5, down 19 from the 2000 Census count of 24; which in turn was down 11 from the 1990 Census count of 35. The Census population and household count for Tavistock has historically been inaccurate. Master Plan documents often rely upon Census and American Community Survey data to understand population, household, housing and economic trends. In most cases the data are useful even if not perfect. In Tavistock’s case, estimates can be misleading, as the population is so

¹ Portions of Centre Township were severed to create several Camden County municipalities between 1904 and 1926. When Lawnside Borough was formed in 1926, Centre Township ceased to exist.

small that even tiny deviations are statistically significant. Additionally, to the extent that information and characteristics about the resident population is needed, the Borough can easily survey its residents.

Tavistock's population varies as household composition changes over time (i.e. children grow up and move out of their parents' home) and as residential turnover takes place. Since the adoption of the 1994 Master Plan, one house has been demolished and rebuilt, but no new housing units have been added. At the present time one house is vacant and being renovated. When the home is occupied, it is anticipated that two to five additional residents will be added.

In addition to the residential population, the Tavistock Country Club shareholders have a vested interest in the wellbeing of the Borough and though they do not directly own land in the Borough and do not reside within its borders, they are counted among the Borough's constituents. There are 470 bond holders, and a total of approximately 1,400 members of the Tavistock Country Club (members include bond holders and other membership classes). Beyond the membership, thousands of people participate in activities and attend events at Tavistock Country Club each year.

Employment within the Borough is limited to those employed at Tavistock Country Club, and is therefore simple to track. The recreational and seasonal nature of the facility requires part time and seasonal workers in addition to the full-time work force. As of 2021, there are 90 full time employees, 51 part time employees, 14 seasonal employees and 9 occasional employees at the Tavistock Country Club. The Borough also has five part time employees to carry out municipal functions, but the physical offices are outside the municipal boundaries.

Requirements of the Periodic Reexamination Report

As noted in the introduction, in New Jersey, the Master Plan forms the legal foundation for the zoning ordinance and zoning map of a municipality. The connection between the master plan and the zoning ordinance and zoning map ensures that community planning is comprehensive and predicated on an overall vision, and that it considers the interconnectedness of the various factors that affect land use. The zoning ordinance and map, which are adopted by the Borough Commissioners, constitute the primary law governing the use of land at the local level. Under New Jersey's Municipal Land Use Law N.J.S.A. 40:55D-1 et seq., ("MLUL") a zoning ordinance must be substantially consistent with the land use plan.

As indicated above, the purpose of the reexamination is to review and evaluate the Borough's planning objectives and to consider the need for changes, in order to ensure that the master plan is responsive to current conditions and circumstances, and meets the needs of the Borough. The Municipal Land Use Law outlines the criteria that must be considered in the master plan reexamination. The five specific topics to be addressed are as follows:

- A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report. (N.J.S.A. 40:55D-89a)

- B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date. (N.J.S.A. 40:55D-89b)
- 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. (N.J.S.A. 40:55D-89c)
- 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. (N.J.S.A. 40:55D-89d)
- E. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal Master Plan, and recommend changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality. (N.J.S.A. 40:55D-89e)

A reexamination report may contain recommendations for the Planning Board to examine certain land use policies or regulations or even prepare a new master plan. Alternatively, if the analysis affirms that the goals, objectives, policies, and recommendations set forth in the previous master plan remain valid, then amendments may not be required. The master plan reexamination report may also incorporate master plan amendments; which can be adopted simultaneously in accordance with the master plan amendment procedures prescribed by the Municipal Land Use Law.

This reexamination report includes all of the required components pursuant to the Municipal Land Use Law, organized for efficiency and clarity. First the relevant changes in assumptions, policies, and objectives at the local, county and state levels are identified and briefly explained. Next, the major problems and objectives at the time of adoption of the 1994 Master Plan are listed, and the report considers the extent to which they have changed and efforts that have been made to advance the objectives. The report also includes amendments to the goals and objectives in the Master Plan and updates the Housing Element. Lastly, the need for redevelopment planning in the Borough is evaluated.

Relevant Changes in Assumptions, Policies & Objectives at the Local, County, and State Levels (N.J.S.A. 40:55D-89(c))

State, regional, county, and local policies have evolved since the adoption of the Master Plan in 1994. The following section identifies the relevant changes in assumptions, policies and objectives and the impact or potential impact on land use and planning policies in Tavistock Borough.

Amendments to the Tavistock Unified Development Ordinance

As a result of the small number of residents living in the Borough, it was determined that the provisions of the Unified Development Ordinance, adopted in 1994, providing for the operation of a nine-member Combined Planning Board, were impractical and ineffective in implementation. In 2021, the Borough decided to improve the efficiency of the Board, consistent with the Legal Doctrine of Necessity, and adopted Ordinance 3-2021 to provide that the Combined Planning Board may operate with three members; which may be the same members as serve on the Board of Commissioners.

State Development and Redevelopment Plan

In March 2001, a new State Development and Redevelopment Plan was adopted by the State Planning Commission. As with the first State Plan (adopted in 1992), the 2001 State Plan delineated a series of Planning Areas based on natural and built characteristics and set forth the State's vision for the future development of those areas. The five Planning Areas (listed in descending order from the most developed to the least developed condition) include the Metropolitan Planning Area (PA1), Suburban Planning Area (PA2), Fringe Planning Area (PA3), Rural Planning Area (PA4) and Environmentally Sensitive Planning Area (PA5.). All of Tavistock is within the Metropolitan Planning Area (PA1) on the State Plan map. Planning Area 1 is a smart growth area where the State Plan intends to stabilize older suburbs and protect the character of existing stable communities.

In April 2004, the State Planning Commission released a Preliminary Plan proposing amendment to the 2001 State Plan, triggering a third round of the State Plan Cross-Acceptance process. While significant input was gathered from municipalities and counties during the Cross-Acceptance process, this Plan was never adopted.

A new State Plan, the "State Strategic Plan: New Jersey's State Development & Redevelopment Plan", was drafted and released in 2012. This draft State Plan took a significantly different approach to State level planning, with the elimination of Planning Areas in favor of "Investment Areas". After a series of public hearings at various locations throughout the State, the 2012 Plan was scheduled for adoption by the State Planning Commission on November 13, 2012. However, the adoption was delayed to further refine the Plan and to better account for the impact of Superstorm Sandy which occurred on October 30, 2012. No Plan revisions have been released to date and no further public hearings on the Plan have been scheduled. Until such time as a new State Plan is adopted, the 2001 State Plan remains in effect.

Master Plan Provisions of Municipal Land Use Law

Since 1994 several amendments to the Municipal Land Use Law related to the contents of the municipal master plan have been adopted (N.J.S.A. 40:55D-28). These amendments include the addition of five optional elements: (13) a farmland preservation element, (14) a development transfer plan element, (15) an educational facilities plan element, (16) a green buildings and environmental sustainability plan element, and (17) a public access plan element. Further, N.J.S.A. 40:55D-28b(2)(f) now provides that any land use plan element adopted after the effective date of P.L. 2017, c.275 must include a statement of strategy concerning smart growth and the potential locations for the installation of electric vehicle charging stations, storm resiliency with respect to energy supply, flood prone areas and environmental infrastructure, and environmental sustainability. The most recent amendment (P.L. 2021, c. 6) provides that any land use plan element adopted after February 4, 2021 must include a climate change related hazard vulnerability assessment. Specifically, the assessment would include the following:

1. Identification of current and future climate change related threats and vulnerabilities that are anticipated to impact the municipality, including increased temperatures, drought, flooding, hurricanes, and sea level rise.
2. A build out analysis of future residential, commercial, industrial and other development in the municipality, and an assessment of the threats and vulnerabilities related to that development.
3. Identification of critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and for sustaining quality of life during a natural disaster.
4. Analyze the potential impact of natural hazards on relevant components of the master plan.
5. Provide strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards.
6. Include a specific policy statement on the consistency, coordination, and integration of the climate change-related hazard vulnerability assessment with any existing or proposed natural hazard mitigation plan, flood plain management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan.

At this time the Borough is not proposing to prepare and adopt a new land use plan element of the master plan, but if and when a new land use plan element is prepared in the future, the items outlined above will be addressed.

Time of Application Law

The “Time of Application” Law (N.J.S.A. 40:55D-10.5) was signed on May 5, 2010 and took effect on May 5, 2011. The effect of this statutory change is that the municipal zoning ordinance provisions that are in place at the time an application for development is filed apply, regardless of whether an ordinance is amended subsequent to such an application being filed. Subsequent case law (2017) has clarified the legislation to mean that an application filed must be complete in accordance with the ordinance requirements in order to benefit from the time of application law. This is in contrast to previously established case law, where courts in New Jersey held that the ordinance that is in place

at the “time of decision” (the moment the Planning Board or Zoning Board of Adjustment votes on the application) is the law that applies to the application.

Renewable Energy Legislation

The New Jersey Legislature has been active legislating to facilitate the production of alternative forms of energy. The following statutes, in particular, relate to alternative energy production and local land use.

- **Industrial Zones.** The Municipal Land Use Law was amended March 31, 2009 to pre-empt local zoning authority and to permit, by right, solar, photovoltaic, and wind electrical generating facilities in every industrial district of a municipality. To be eligible for this permitted use, a tract must be a minimum size of 20 contiguous acres and entirely under one owner.
- **Inherently Beneficial Use.** The Municipal Land Use Law was amended to define inherently beneficial uses and to include solar, wind and photovoltaic energy generating facilities in the definition.
- **Solar Not Considered Impervious.** On April 22, 2010, an act exempting solar panels from being considered impervious surfaces was signed into law. This bill exempts solar panels from impervious surface or impervious cover designations. It mandates that NJDEP shall not include solar panels in calculations of impervious surface or impervious cover, and requires that municipal stormwater management plans and ordinances not be construed to prohibit solar panels from being constructed and installed on a site.
- **On July 9, 2021 a package of bills was signed into law aimed at advancing New Jersey’s transition to a clean energy future, and to further the goal of reaching 100 percent clean energy in New Jersey by 2050. The legislation will increase solar development and facilitate installation of electric vehicle charging infrastructure throughout the state.**
 - S3223 establishes requirements and zoning standards for installation of electric vehicle supply equipment and Make-Ready parking spaces, while A1653 encourages development of zero-emission vehicle fueling and charging infrastructure in redevelopment projects.
 - A4554 establishes the successor program to solar renewable energy certificate program in BPU, including a solicitation process for certain utility scale solar power generation facilities.
 - A5434 establishes a dual-use solar project pilot program for unreserved farmland; which allows land used for dual-use solar project to be eligible for farmland assessment under certain conditions.

Wireless Telecommunications Facilities

There have been two relatively recent changes to regulation of wireless telecommunication facilities. The first, a federal law, prohibits municipalities from denying a request by an “eligible facility” to modify an existing wireless tower or base station if such a change does not “substantially change” the physical dimensions of the tower or base station. The term “substantial change” is not defined by the law. The second regulatory change is an amendment to the Municipal Land Use Law, N.J.S.A. 40:55D-46.2. This new section states that applications for co-located equipment on a wireless communications support structure shall not be subject to site plan review provided three

requirements are met: 1) the structure must have been previously approved; 2) the co-location shall not increase the overall height of the support structure by more than 10 percent, will not increase the width of the support structure, and shall not increase the existing equipment compound to more than 2,500 square feet; and 3) the collocation shall comply with all of the terms and conditions of the original approval and must not trigger the need for variance relief.

Stormwater Management

The NJDEP updated its stormwater management rules in 2004. Specifically, it adopted the Phase II New Jersey Pollutant Discharge Elimination System Stormwater Regulation Program Rules (N.J.A.C. 7:14A), which addresses the reduction of pollutants associated with existing stormwater runoff, and the Stormwater Management Rules (N.J.A.C. 7:8), which set forth the required components of regional and municipal stormwater management plans and establishes the stormwater management design and performance standards for new (proposed) development. As such, stormwater management plans are now required to be adopted by municipalities, as set forth in N.J.A.C. 7:8. The Borough adopted a stormwater management plan in on __.

New Jersey's most recent revisions to the stormwater regulations took effect on March 2, 2021 and apply to all major development as defined in the rule. The revisions require the use of decentralized green infrastructure practices and provide a more objective review process to determine whether projects have met the requirements. The new rule also includes updated stormwater modeling criteria and incorporates additional engineering calculation methods relevant to green stormwater infrastructure design. The rule provides guidance on the use of small- and large-scale best management practices (BMPs) to meet water quality, water quantity and ground water recharge requirements. Municipalities are required to update their stormwater ordinances to reflect and comply with the new rule language.

Cannabis/Marijuana Legislation

The Compassionate Use Medical Marijuana Act (S. 88) was signed into law in 2010, and implementation began in 2012. This law enabled therapeutic use of medical marijuana for patients with a certification from a physician. The Department of Health administers the medical marijuana program, and provides a process for applications to be filed and licenses to be issued for a set number of cultivation facilities and dispensaries throughout the State. Alternative Treatment Centers (ATC) are required to provide verification from the local governing body that the facility is permitted within the municipality, and the ATC must provide written verification of compliance with local zoning requirements. Additional legislation in 2013 and 2019 refined provisions related to the amount of medical marijuana permitted, how it may be obtained, and expanded access with additional cultivators, manufacturers, and retailers.

In 2020 New Jersey Public Question Number 1 was approved by voters. The approval enabled the legislature to adopt legislation that legalized possession and use of marijuana for residents aged 21 and older. There are three related laws; P.L. 2021, c. 16, P.L. 2021, c.19, and P.L. 2021, c.25; that address regulation, enforcement, establishment of the marketplace, and decriminalization. The legislation provides that municipalities had 180 days from February 22, 2021 to adopt an "opt out" ordinance prohibiting one or more types of cannabis businesses. Without the adoption of an

ordinance, the retail selling of cannabis would be permitted in all commercial/retail zones, and cultivation, manufacturing, wholesaling, distribution, and delivery services would be permitted in all industrial zones. If cannabis uses are permitted a municipality may impose local taxes as permitted by the legislation. Municipal ordinances may reasonably regulate times of operation, locations, and the number and type of cannabis businesses. The direct impact of this legislation on Tavistock is marginal considering the limited land area and the existing use of the land.

Affordable Housing at the State Level

Tavistock's 1994 Master Plan includes a Housing Element. At the time the 1994 Master Plan was adopted, the Council on Affordable Housing's (COAH) "Round Two" had just begun, and the Borough's Master Plan explained that the *Mount Laurel* affordable housing requirements did not impact Tavistock because the Borough was completely built out with three residential lots and the Tavistock Country Club. As a result of the total lack of available land, the Housing Element asserted that the Borough did not have an affordable housing obligation. This section provides an overview of the continued evolution of the affordable housing regulations and mandates since the master Plan was adopted in order to provide background and a frame of reference. Municipal Land Use Law (N.J.S.A. 40:55D-62) provides that municipal zoning may be adopted after the planning board has adopted the land use plan element and housing element of a master plan, and that the zoning ordinance shall be substantially consistent with the land use plan and housing plan or designed to effectuate them. In order to maintain the validity of the Borough's zoning code, the housing element is updated in a later section of this document.

On December 20, 2004, the Council on Affordable Housing's (COAH's) first version of the Third Round affordable housing rules became effective, five years after the end of the Second Round in 1999. At that time, the Third Round was defined as the period from 1999 to 2014 but condensed into an affordable housing delivery period from January 1, 2004 through January 1, 2014. The Third Round rules marked a significant departure from the methods utilized in COAH's Prior Round. Previously, COAH assigned an affordable housing obligation as an absolute number to each municipality based upon a complex formula. The 2004 Third Round rules implemented a "growth share" approach that linked the production of affordable housing to residential and non-residential development within a municipality.

However, on January 25, 2007, the New Jersey Appellate Court decision, *In re Adoption of N.J.A.C. 5:94 and 5:95*, 390 N.J. Super. 1, invalidated key elements of the first version of the Third Round rules, including the growth share approach. The Court ordered COAH to propose and adopt amendments to its rules within six months to address the deficiencies identified by the Court. COAH missed the deadline but did issue revised rules effective on June 2, 2008 (as well as a further rule revision effective on October 20, 2008). COAH largely retained the growth share approach, but implemented several changes intended to create compliance with the 2007 Appellate Court decision. Additionally, the Third Round was expanded from 2014 to 2018.

Again, various parties challenged COAH's 2008 revised Third Round rules. On October 8, 2010, the Appellate Division issued its decision, *In re Adoption of N.J.A.C. 5:96 and 5:97*, 416 N.J. Super. 462, with respect to the challenge to the second iteration of COAH's third round regulations. The Appellate Division upheld the COAH Prior Round regulations that assigned rehabilitation and Prior Round numbers to each municipality but invalidated the regulations by which the agency assigned housing

obligations in the Third Round. Specifically, the Appellate Division ruled that COAH could not allocate obligations through a “growth share” formula. Instead, COAH was directed to use similar methods that had been previously used in the First and Second rounds. The Court gave COAH five months to address its ruling and provide guidance on some aspects of municipal compliance.

The Appellate Division had ordered that COAH issue new Third Round housing rules by March 8, 2011. COAH applied for and the NJ Supreme Court granted a stay of the deadline and granted petitions and cross-petitions to all the various challenges to the Appellate Division’s 2010 decision. On September 26, 2013, the NJ Supreme Court upheld the Appellate Court decision in *In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council On Affordable Housing*, 215 N.J. 578 (2013), and ordered COAH to prepare the necessary rules.

Although ordered by the NJ Supreme Court to adopt revised new rules on or before October 22, 2014, COAH was deadlocked and failed to adopt the draft rules it had issued on April 30, 2014. In response, Fair Share Housing Center (FSHC) filed a motion in aid of litigant’s rights with the NJ Supreme Court, and oral argument on that motion was heard on January 6, 2015.

On March 10, 2015, the NJ Supreme Court issued a ruling on the Motion In Aid of Litigant’s Rights (*In re Adoption of N.J.A.C. 5:96 & 5:97*, 221 NJ 1, aka “Mount Laurel IV”). This long-awaited decision provided direction for how New Jersey municipalities may comply with the constitutional requirement to provide their fair share of affordable housing. The Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges. Rather than applying to COAH for substantive certification of housing plans, municipalities must now apply to the Courts. The trial judges, sometimes with the assistance of an appointed Special Master to the Court, and typically with input from Fair Share Housing Center, review municipal plans much in the same manner as COAH previously did.

While the NJ Supreme Court’s decision set a process in motion for towns to address their Third Round obligations, it did not assign those obligations. Instead, the fair share obligation is to be determined by the trial courts. The Court did direct that the method of determining municipal affordable housing obligations would be “similar to” the methodologies used in the First and Second Round calculations. Additionally, the Court provided that municipalities should rely on COAH’s Second Round rules (N.J.A.C. 5:93) and certain components of COAH’s 2008 regulations that were specifically upheld (including but not limited to redevelopment bonuses), as well as the Fair Housing Act (N.J.S.A. 52:27D – 301 et seq.), to guide planning for affordable housing, preparation of fair share plans, and implementation.

On January 17, 2017, the NJ Supreme Court rendered a decision, *In Re Declaratory Judgment Actions Filed By Various Municipalities*, 227 N.J. 508 (2017), that found that the “gap period,” the time when there was a lack of clear affordable housing guidance and rules between 1999-2015, generates an affordable housing obligation.

The municipal affordable housing obligation is now composed of four parts:

- Present need (Rehabilitation)
- Prior Round (1987-1999, new construction),
- Gap Present Need (Third Round, 1999-2015, new construction), and
- Prospective Need (Third Round, 2015 to 2025, new construction).

Using the methodology endorsed by Judge Jacobson in her 2018 decision on the fair share methodology, Tavistock’s round three obligation is one affordable housing unit.

In addition to the State agency activity and judicial decisions, in 2008 the New Jersey Legislature amended the Fair Housing Act. The legislation became effective on July 17, 2008. Key provisions of the legislation included the following:

- It established a statewide 2.5% nonresidential development fee on nonresidential development.
- It eliminated new regional contribution agreements (“RCAs”) as a compliance technique available to municipalities;
- It added a requirement that 13% of all affordable housing units and 13% of all similar units funded by the state’s Balanced Housing Program and its Affordable Housing Trust Fund be restricted to very low-income households (30% or less of median income); and
- It added a requirement that municipalities had to commit to spend development fees within four (4) years of the date of collection after its enactment.

Major Problems and Objectives at the Time of Adoption of the Previous Master Plan, the Extent to Which They Have Changed & Current Recommendations (N.J.S.A. 40:55D-89(a), (b), and (d))

In order to improve readability and clarity, the above referenced sections of the reexamination report have been combined. Master Plan reexamination reports typically use Master Plan goals and objectives as a proxy for “problems and objectives”, together with any specifically identified problems or land use issues to be addressed.

1994 Master Plan Objectives

The overarching purpose of the 1994 Master Plan was to guide the physical and economic development of the community toward determined objectives, to provide harmonious and efficient allocation and arrangements of land uses, to preserve and enhance economic and social values, to protect property values, to promote the design of the built environment toward accomplishing these goals, and to provide for ease and efficiency of administration. The specific goals and objectives articulated in the 1994 Master Plan are listed below.

1. Community Character Goal: Provide for the continued scenic open space and low-density nature of the Borough.

Objectives:

- Encourage any change or redevelopment that may occur within the Borough to be compatible with the current material, style, and scale of building.

- Encourage the stability of the current land use pattern.
 - Encourage the use of appropriate plantings and shrubbery as screens, to hide unsightly structures and areas.
2. Environment and Open Space Goal: Protect the natural features, resources and open space within the Borough such as steep slopes, streams, and wooded areas
- Objectives:
- Restrict development in environmentally sensitive lands and reduce the negative effects of vegetation clearance.
 - Maintain buffer areas between different categories of land uses.
 - Establish a tree protection ordinance so as to maintain the park like setting of the Borough.
3. The following are specific problems or concerns that were identified in the 1994 Master Plan:
- Noise concerns were identified and it was recommended that the Borough consider adopting a noise control ordinance to address sound coming from vehicles, residents, pets, and other disturbances.
 - The Master Plan noted that Tavistock is a highly managed and manicured environment, with virtually no area left in a natural state. It was noted that the resident wildlife is consistent with species typical in parks.

Extent to Which the Goals and Objectives Have Changed

Tavistock has not experienced any significant changes in the overall approach to land use planning since the Master Plan was prepared in 1994. The overarching purpose of the master plan is to preserve the character of the community, to protect the environment, and to maintain the vitality of the Tavistock Country Club property and the residential lots within the Borough. As a result of its small size, the Borough also has an exceptional interest in the wellbeing of the surrounding residential communities of Haddonfield, Barrington, and Lawnside.

While the goals have not changed, the responses to the challenges have changed over time. Tavistock Country Club has taken a proactive approach to environmental stewardship, particularly over the last decade. These efforts are detailed below and continue to address the Borough's goals as outlined above. Further, the residents and employees of the Borough have continually pursued the goals and objectives set forth in the 1994 Master Plan. The land use policy objectives of the Borough are still reflected in these goals and the Borough has not seen a fundamental shift in the conditions and assumptions that formed the basis for the Master Plan and development regulations. The goals set forth in the 1994 master plan therefore remain salient, relevant and appropriate. The Borough does not require a new Master Plan, rather the Borough will continue to be guided by the 1994 Master Plan, with the additions recommended at the end of this section.

As a result of the Borough's small size, the fact that no new housing units have been added since 1949, and the fact that there is no undeveloped land or land in need of redevelopment in the

Borough, Tavistock has not been engaged in the fair share affordable housing planning process. The Borough is adding a housing goal to the Master Plan and aims to provide the opportunity for an affordable housing unit.

Environmental Stewardship

The Tavistock Country Club (TCC) has several ongoing practices and programs in place to protect wildlife habitat, promote sustainability, use resources wisely, and ensure that the facility operates harmoniously with its environment. Investments in these programs contribute to the long-term viability and resiliency of the TCC and of the Borough overall. Additionally, the sustainability practices at TCC have ripple effects that benefit the region overall. The actions and practices outlined below support and advance the Borough's environment and open space goals.

1. **Wildlife Habitat.** Tavistock Country Club is a member of the National Audubon Society for Golf Courses. TCC has over 20 blue bird houses throughout the property to help promote the resurgence of the blue bird population in southern New Jersey. The TCC has also implemented a pollinator program to promote the protection of honey bees. In 2020 TCC harvested over 80 pounds of honey from the property. This program has forced TCC to adjust its practices to reduce the bees' exposure to pesticides to make sure the bees are able to thrive and produce honey.
2. **Integrated Pest Management (IPM).** TCC has implemented an IPM approach to all chemical applications to the property. This program requires monitoring for insects and disease. TCC utilizes growing degree day models to estimate the growth and development of certain pests and sets traps to monitor for insects before applying any chemicals.
3. **Water Conservation.** TCC submits a yearly drought management plan to the NJDEP; which illustrates the components of the irrigation system, outlines historic and projected water usage and provides a plan for reduction in water usage during drought conditions. The majority of TCC's water for irrigation comes from surface runoff from Route 295 and the New Jersey Turnpike. TCC uses an onsite weather station as part of the water management program. The weather station provides an accurate assessment of evapotranspiration and rain fall. The numbers are used to accurately apply the correct amount of water to the entire property. Within the irrigation system, TCC is able to control each sprinkler head individually, so that water can be applied in the correct amount, based on the varied soil structure and growing environments throughout the property. TCC also uses portable moisture meters to make accurate assessments of water needs and usage on a daily basis during the growing season in order to maximize water conservation.
4. **Native Landscaping.** TCC drowns all of its landscaping material in an onsite greenhouse. TCC strives to utilize only native plants with low nutrient and water needs. The facility has also created twelve acres of native grass areas throughout the property since 2015. These areas serve as habitat and a food source for the local animal population.
5. **Environmentally Conscious Purchasing.** TCC has begun the transition to electric equipment to replace gas- and diesel-powered equipment, with the goal of reducing the facility's carbon footprint. Examples include blowers, weed eaters, golf carts, fairway units, and rough mowers. Management has also switched from hydraulic oil to an organic version, so that is there is a leak on the course, clean-up is simpler and does not harm the environment.

Shared Municipal Services

Tavistock Borough has five part-time employees to fulfill State mandated requirements: administrator/clerk/CFO, registrar/deputy clerk, tax collector, tax assessor, and deputy registrar. Each of the part-time employees are also employed by other local municipalities. The Borough has a shared services agreement with Haddonfield Borough for police, fire, trash collection, snow clearing, and construction code services. The Borough has a shared services agreement with Oaklyn Borough for municipal court services and an agreement with Barrington Borough for Office Support Services.

Recommendations

The following goals are added to the Master Plan in order to ensure that the Borough is in a position to retain its autonomy, to address the evolving needs of the community, and to retain and enhance the Borough's environmental and scenic quality.

1. Revise the Environment and Open Space Goal to read as follows:

“Protect the natural features, resources, and open space within the Borough including steep slopes, streams, vegetative buffers, and wooded areas, and aim to reduce the Borough's carbon footprint and overall environmental impact.”

2. Add the following to the Environment and Open Space objectives:

- Improve stormwater management by using green infrastructure techniques such as natural, low-impact design elements and green infrastructure installations such as rain gardens, green roofs, permeable pavement, vegetated swales, tree trenches and constructed wetlands.
- Promote the incorporation of green infrastructure planning and implementation strategies in new construction as well as renovation of existing buildings.
- Encourage new development to incorporate green building practices (e.g., solar-oriented, energy and water-efficient design of buildings, low impact site design).
- Maintain tree canopy to increase the beneficial effects such as a reduced carbon footprint, reduced ambient temperature, stormwater management benefits and increased aesthetic appeal to a municipality, as well as improved quality of life.
- Encourage the use of native and other drought tolerant species for landscaping to conserve water, reduce pollution, and attract birds and pollinators. Prohibit the use of invasive species, which can rapidly colonize open areas, causing harm to ecosystems and eliminating the natural benefits of the native species.
- Continue to encourage practices that require reduced watering and reduced pesticide and herbicide use.

3. Add a Housing Goal as follows:

Preserve and enhance the existing neighborhood character and housing stock and consider opportunities to enable the provision of an affordable housing unit to complement the existing community.

4. Add Housing Objectives as follows:

- Ensure the retention of the four existing permanent residential dwelling units in the Borough in order to maintain a stable population in the Borough.
- Coordinate with Haddonfield Borough to ensure that the existing residential units on Tavistock Lane are integrated with the surrounding neighborhood.
- Provide an opportunity for the provision of an affordable housing unit within the Borough to satisfy the Borough's Round Three fair share obligation.

Recommendations concerning the incorporation of redevelopment plans and any changes necessary to effectuate the redevelopment plans (N.J.S.A. 40:55D-89(e))

At this time there are no areas recommended for designation as an “area in need of redevelopment” or “area in need of rehabilitation”. The Borough does not foresee the need to undertake a redevelopment or rehabilitation planning effort over the ten-year horizon.

Housing Element

In accordance with New Jersey’s Municipal Land Use Law (N.J.S.A. 40:55D-62), a municipal master plan must include a land use plan element and a housing plan element as the foundations for the municipal zoning ordinance. Tavistock’s 1994 Master Plan includes a Land Use Plan and Housing Element; this is an update to the Housing Element. The Fair Housing Act (N.J.S.A. 52:27D-310) sets forth the essential components of a municipal housing element. The purpose of this Housing Element section of the master plan is to satisfy the Fair Housing Act requirements and to provide context and information about the Borough’s stable, established, and small housing inventory, population, and employment base.

The required components of the Housing Element are:

- a. An inventory of the municipality’s housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated.
- b. A projection of the municipality’s housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands.
- c. An analysis of the municipality’s demographic characteristics, including, but not necessarily limited to, household size, income level, and age.
- d. An analysis of the existing and probable future employment characteristics of the municipality.
- e. A determination of the municipality’s present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing.
- f. A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.

Inventory of Municipal Housing Stock

There are four permanent housing units in Tavistock Borough, one of which is vacant and under renovation the present time. One of the four single family homes in the Borough is located on the Tavistock Country Club property and is occupied by the facility’s General Manager and his family.

Age and Type of Housing Stock

Tax records indicate that the Borough’s housing units were built as follows:

Address	Year Constructed	Housing Type
162 Tavistock Lane	1936	Single family
182 Tavistock Lane	1949	Single family
198 Tavistock Lane	2014	Single family
100 Tavistock Lane (on TCC property)	1921	Single family

Condition and Substandard Units in Need of Rehabilitation

Of the 4 housing units in the Borough, none are in need of rehabilitation. All of the housing units have complete plumbing facilities, all of the housing units have complete kitchen facilities, and none of the housing units are overcrowded. These factors (together with age of housing) are used as a proxy to assess the condition of existing housing units for the purpose of establishing municipal rehabilitation obligations. The Borough’s housing stock is in good condition and none of the four housing units are affordable to low- and moderate-income households

Purchase or Rental Value

The house located at 100 Tavistock Lane is located on the Tavistock Country Club property, is not a separate tax lot, and is occupied by the family of the general manager. The assessed value of the other three homes is as follows:

Address	Assessed Value
162 Tavistock Lane	\$2,300,000
182 Tavistock Lane	\$1,485,000
198 Tavistock Lane	\$1,375,000
100 Tavistock Lane (on TCC property)	Part of overall TCC Assessment of \$12,000,000

Occupancy Characteristics

Seventy-five percent of occupied housing units are owner-occupied and 25 percent of occupied housing units are renter-occupied (3 owner occupied and 1 renter). The “renter” is the general manager of the Tavistock Country Club, who lives with his family in the single-family home on the TCC property. The average household size for the three currently occupied units is 3 persons. In Camden County overall, 67 percent of occupied housing units are owner occupied and 33 percent are renter occupied.

Projection of Municipal Housing Stock

The Borough does not project any additional housing development over the next 10 years. There is no available land for development or redevelopment. Since 1950, no new housing units have been constructed in the Borough. There has been one demolition and one replacement home constructed in its place.

Demographic characteristics

Household Size

There are four housing units in the Borough and one is currently vacant. All of the current households are families. A family household is a group of two people or more (one of whom is the householder) related by birth, marriage, or adoption and residing together. The average household size in Tavistock

is 3 persons at this time.

Income Level

Because of the small population, American Community Survey data for Tavistock is unavailable for many categories. Though median household income for Tavistock is not available, since the homes in Tavistock are part of a neighborhood that is otherwise in Haddonfield, median household income for Haddonfield Borough may be comparable at \$150,958 in 2019.

The Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1) define low income (those earning up to 50% of the median household income for the region) and moderate income (those earning from 50% to 80% of the median household income for the region) households. The maximum income figures are adjusted for household size and the municipality's geographic location and are updated yearly. Tavistock is located within Region Five, which includes Burlington, Camden and Gloucester Counties. The 2021 income guidelines for Region Five (based on household size) provide a maximum income of \$42,550 for a low-income household of 3 people and a maximum income of \$68,050 for a moderate income household of 3 people. A 3-person household is used as a representative number since average household size in the Borough is 3.

Employment Characteristics

All of the six adult residents of Tavistock are in the labor force. It may therefore be presumed that the unemployment rate is zero. One of the adult residents of the Borough also work in the Borough. The others commute to work places in the region.

Employment within the Borough is limited to those employed at Tavistock Country Club. The recreational and seasonal nature of the facility requires part time and seasonal workers in addition to the full-time work force. As of 2021, there are 90 full time employees, 51 part time employees, 14 seasonal employees and 9 occasional employees at the Tavistock Country Club. The Borough also has five part time employees to carry out municipal functions, but the physical offices are outside the municipal boundaries.

Determination of Present and Prospective Fair Share Obligation

On a practical level it could be argued that Tavistock's realistic development potential is zero, since there are so few lots in the Borough and since all of them are occupied with an existing use. There are no properties in need of redevelopment or rehabilitation within the Borough. Nevertheless, the Borough has reviewed Round Three fair share calculations prepared by Econsult following Judge Mary Jacobson's 2018 decision on the fair share methodology. The calculations provide that Tavistock's Third Round affordable housing obligation in one unit.

Consideration of Lands Most Appropriate for Low- and Moderate-Income Housing

The New Jersey Fair Housing Act (N.J.S.A. 52:27D-310(f)) requires that the Housing Element provide a narrative that includes "a consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion

to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.” As explained above, the Borough does not have any land available for housing development. Therefore, the production of affordable or inclusionary housing has not been contemplated. Since there is no land available for development of any kind, no developers have expressed interest in or commitment to providing affordable housing. The Borough has considered whether there may be an opportunity to provide an affordable apartment on the TCC property. While the provision of an apartment on the site is possible, it would only be practical for such a residence to be occupied by an employee of the Club. An affordable apartment earmarked for an employee would not meet the affirmative marketing requirements, and the unit would therefore not be eligible for fair share credit. The other possibility is the creation of an accessory dwelling unit opportunity. This would enable an owner-occupant of a residential lot to construct or provide one self-contained accessory apartment on the residential lot, to be made available to a low or moderate income household.