

# Master Plan Reexamination Report

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BOROUGH OF ELMER

May 18, 2026

BOROUGH OF ELMER  
MASTER PLAN REEXAMINATION REPORT

LAND USE BOARD

BOROUGH OF ELMER

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The original of this Master Plan Reexamination Report  
has been signed and sealed as required by NJSA 45:14A-12

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## **Introduction.**

Adoption of the Municipal Land Use Law (MLUL) in 1975 required for the first time that zoning ordinances must be compatible with an adopted master plan. This action placed the master plan in a pre-eminent position and vested additional powers in the planning boards to exercise their jurisdiction over the adoption of master plans. The law holds governing bodies accountable by requiring that ordinances be compatible with the master plan and, further requires the governing body to refer proposed zoning ordinances to the Land Use Board for master plan consistency review.

While the master plan serves as a basis for the zoning ordinance, it does not have operative significance until the zoning ordinance has embodied master plan provisions in ordinance form. The reexamination report is essentially the planning board's checklist of things that should be addressed prior to the next reexamination of the master plan and development regulations. It lists those sections of the master plan or development regulations that should be amended or at least studied.

The reexamination report is not the master plan. The master plan is the planning board's formal statement of land use policy. The reexamination is only a commentary on the master plan. Even though the reexamination report may recommend specific changes to the master plan and development regulations, those changes do not occur automatically when the reexamination report is adopted. Changes to the master plan require adherence to the statutory amending process including a public hearing. The reexamination report does not require a public hearing. However, when the reexamination report recommends rezoning, a public hearing with proper notice exempts the community from the notice requirements contained in NJSA 40:55D-63.

Municipal master plans generally comprise a report or statement of land use and development proposals, with maps, diagrams and text, presenting, at least the following two elements:

- (1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;
- (2) A land use plan element that takes into account physical features, identifying the existing and proposed location, extent, and intensity of development for residential and

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nonresidential purposes, and states the relationship of the plan to any proposed zone plan and zoning ordinance, and a statement of strategy concerning:

- (a) smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations,
  - (b) storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and
  - (c) environmental sustainability.
- (3) A housing plan element pursuant to section 10 of P.L.1985, c.222 (C.52:27D-310), including, but not limited to, residential standards and proposals for the construction and improvement of housing.

In addition, the MLUL identifies a number of other plan elements that may be incorporated into a comprehensive master plan document, such as: circulation, open space, recreation, community facilities, and historic preservation plan elements.

The Municipal Land Use Law (NJS 40:55D-28) requires that the master plan provide a statement of goals, objectives, assumptions, policies and standards upon which the constituent proposals for the physical, economic, and social development of the municipality are based. The goal-setting phase of the master plan process is the foundation upon which the remainder of the master plan is based. The goals and objectives describe the foundation for the future of Borough of Elmer. The goals are general and are intended to provide a framework for directing development and preservation, while the objectives provide a more specific way to implement the stated goals. The overall vision is reflected in each of the elements of the master plan.

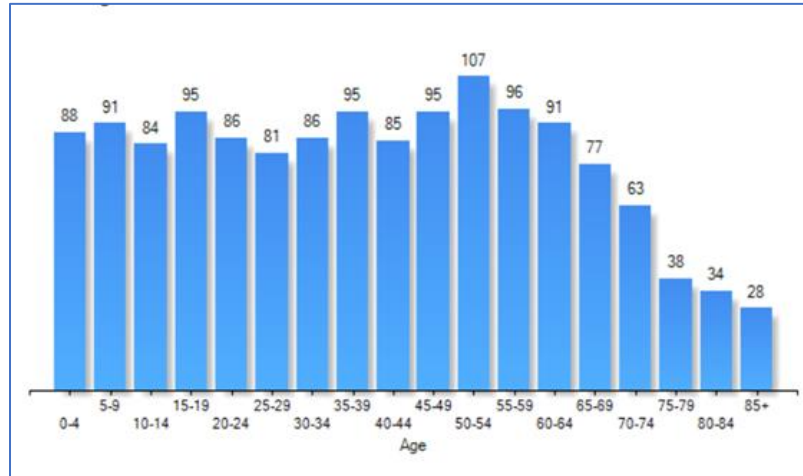
## **Borough of Elmer Profile.**

The Borough of Elmer is a small, historic community in Salem County, New Jersey, often described as "the small town with the big welcome". Spanning approximately 0.9 square miles, it serves as a quiet, rural-suburban hub for the surrounding area.

According to the United States Census Bureau, the Borough's 2026 population is estimated at 1,394 individuals, with a median age of 39 years (see graph). This reflects a steady recovery from a low of 1,343 recorded in the 2020 Census. The Borough is currently growing at an estimated annual rate of 0.65%.

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The following graph depicts the age distribution of the Borough’s population.



The Borough’s median household income is estimated at \$95,357, reflecting an upper-middle-class economic profile relative to national averages. Land use is predominantly residential with a 64–76% homeownership rate; most properties are detached single-family homes.

Between 2010 and 2020, land use in the Borough remained remarkably stable, reflecting its status as a nearly "built-out" historic community. According to the NJDEP Bureau of GIS, most of the Borough is classified as Urban (developed land), with very minor fluctuations occurring as small parcels of agricultural or vacant land are repurposed for residential infill.

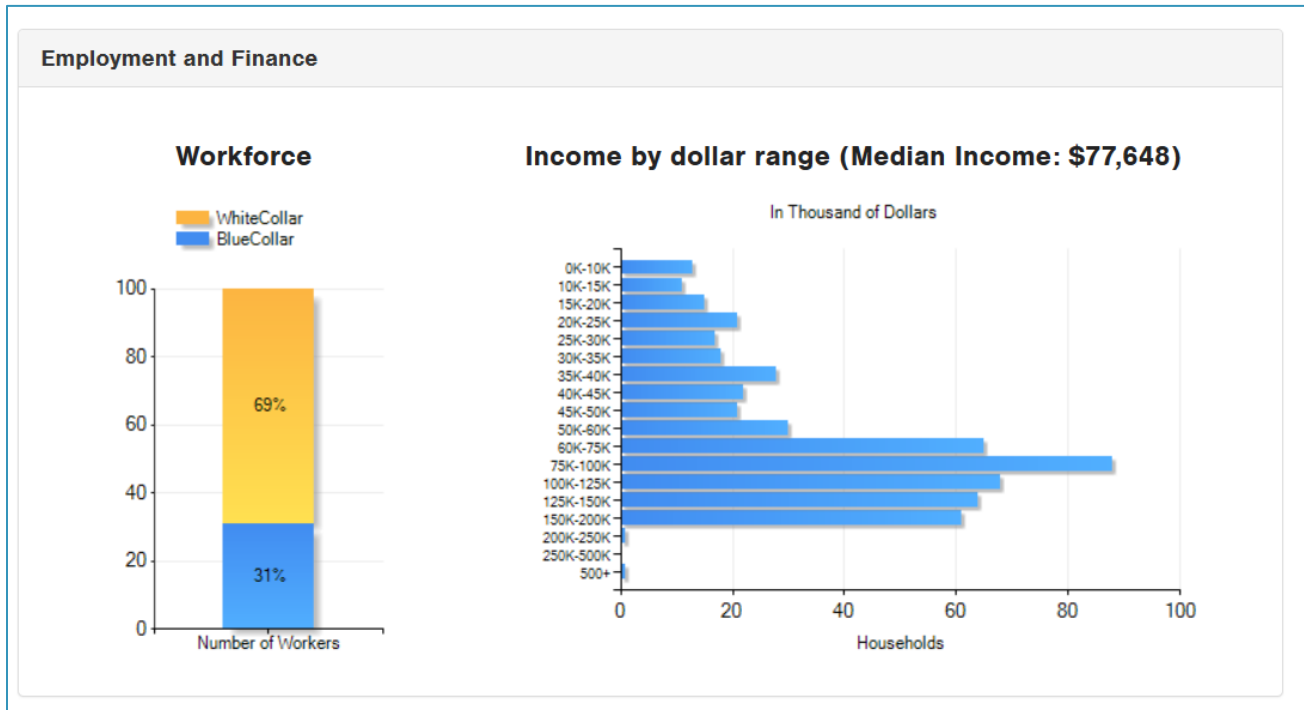
The following table summarizes the land use profile and approximate shifts that occurred between 2010 and 2020, based on NJDEP Land Use/Land Cover (LULC) datasets.

Land Use Category	2010 Status	2020 Status	Primary Change/Trend
<b>Urban (Developed)</b>	~88-90%	~91-92%	Slight increase due to residential infill and minor commercial expansion.
<b>Agriculture</b>	~5-7%	~4-5%	Marginal decrease as small peripheral fields are converted to residential use.

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<b>Forest/Wetlands</b>	~2-3%	~2%	Generally stable; minimal loss attributed to infrastructure or clearing.
<b>Water</b>	~2.2%	~2.2%	No significant change; primarily refers to Muddy Run and small ponds.

The following graph depicts general employment and income data for the Borough.



## Elmer’s Comprehensive Development Plan.

The master plan is a guide for the future development and redevelopment Elmer Borough and can serve as a reference document to which regional, state, county, and other public or private agencies can relate their respective planning and development discussions. The master plan reflects the Land Use Board’s forethought regarding each of the master plan elements.

Elmer Borough’s Comprehensive Development Plan (Master Plan) was adopted in January 1993 and was reexamined in May 1999 and March 2007. The Master Plan includes a series of Background Studies addressing: Existing Land Use, Natural Features,

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Economy, Population, Transportation, Community Facilities, and Housing. The Land Use Plan includes a Land Use Element, Land Use Plan, Transportation Plan and addresses the plan's relationship with adjacent municipalities.

In order to guide the development strategy for the Borough of Elmer, specific goals are recommended in the Land Use Plan. These goals and objectives support the various master plan proposals for the physical, economic and social development of the Borough. These goals and objectives have been organized into broad categories that correspond to the Borough's future vision.

### Plans and Studies

The Borough adopted its first Master Plan in 1993. The following documents have been reviewed in preparing this Report.

- Comprehensive Development Plan, Salem County Planning Board, January 1993
- Master Plan Reexamination Report and Land Use Plan Element, Community Grants and Planning, May 5, 1999
- Master Plan Reexamination Report, Louis C. Joyce, PP, March 7, 2007

### Master Plan Goals and Objectives

The 1993 Master Plan identifies the following goals and objectives which have been acknowledged and carried forward by previous master plan reexaminations, and reviewed and re-validated in conjunction with this 2026 reexamination process.

1. Maintain the Borough's small town character and community environment.

An important objective expressed by the Borough's Planning Board is the retention of the community's identity and small town character. Major growth is not anticipated or encouraged which may detract from the community attributes. On the other hand, a complete absence of growth and a continuation of the aging of the population will also impact the nature of the community. Therefore, the Borough intends to encourage steady but restrained growth which will strengthen and diversify the community.

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2. Protect, conserve and manage the Borough's physical resources in order to sustain the value of the community's natural environment.

The Borough must seek to achieve a proper balance between the needs of the community and the protection of its remaining natural resources. The planning process is meant to identify those areas suitable for growth as well as areas which should be conserved.

The Natural Resources Background Study indicated which natural features in Elmer are worthy of protection. Of particular importance in the protection and enhancement of the Borough's surface waters, including Elmer Lake and a branch of Muddy Run. Proper development practices should be employed to prevent the degradation of water quality in the Borough's water resources and to prevent an aggravation of flooding conditions. In addition, the remaining woodland areas in Elmer should be preserved because of their water retention quality and other environmental benefits. Therefore, the clearing of the remaining woodland should be strictly controlled to prevent their destruction.

The Land Use Plan should not only protect and manage natural resources, but it should also relate the type and intensity of permitted development to the Borough's land capabilities. The Land Capability section listed ten combinations of capability and resource factors which are present in the Borough. In the absence of a community sewerage system, it is essential that these land capability patterns serve as the basis of the Land Use Plan.

3. Maintain or raise residential values by preventing the introduction of new incompatible uses and by managing the impacts of existing uses.

The development and enforcement of a Land Use Plan should prevent incompatible land use situations in the future. Should an updated inventory identify incompatible land uses, regulations to discourage such situations in the future should be considered. In particular, the Plan should establish regulations to discourage the continued conversion of residential units into commercial uses. Therefore, the adopted land use policy should provide separation of incompatible land uses and should attempt to manage existing incompatible situations.

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4. Provide attractive sites for industrial establishments to increase the Borough's economic base and employment opportunities.

A major concern in every municipality is the strengthening of the economic base which provides tax rateables and employment opportunities. The Background Studies indicate that Elmer has few available sites for industrial development. In addition, some of the existing industrial sites are located in or adjacent to residential areas which created an incompatible situation. Therefore, the Borough should seek to identify and develop an area for industrial development which utilizes the community's transportation assets, yet is properly buffered from existing and proposed residential areas.

5. Revitalize and reinforce the Borough as a small commercial center.

The Borough is a small commercial center which serves the adjoining townships as well as its own residents. As the surrounding townships develop and increase in population, the Borough should encourage investment in existing businesses as well as new commercial development in properly designated areas.

6. Provide for adequate and diversified housing supply in attractive neighborhoods.

The housing analysis found that much of the housing supply in the Borough is old, and that there has been a low replacement rate for the housing stock. The Borough should consider strategies to encourage investment in the existing housing stock and encourage new residential development in areas where it is compatible with soils and adjoining existing and planned land uses. The Borough should further encourage a variety of housing types to meet the diversified needs of the general population.

7. Develop a circulation system which is coordinated with land use and which is safe, efficient and convenient.

The Background Studies determined that the Borough's circulation system has two major weaknesses. First, the grid pattern of streets is not extensive enough to provide for good circulation. In particular, there is considerable reliance on the one north-south street (Main Street) which causes occasional congestion.

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Second, the oblique angles of the street intersections in the southwestern portion of the Borough reduces sight distances and may cause traffic safety problems, especially as volumes increase.

8. Provide for adequate community facilities commensurate with future demand for those facilities.

A major concern in every municipality is the adequate provision of community facilities to supply existing and future populations. The Background Studies indicated some deficiencies in the Borough's present community facilities and recommended improvement.

9. Provide adequate open space for present and future populations.

A proper balance between the amount and quality of open space and recreational areas and the developed area should be maintained. The Background Study found that while there is recreational and open space within the Borough, much of the Borough's open space (Elmer Lake) is not publicly owed.

Within the context of these goal and objectives, the Borough seeks to maintain a well-balanced community in which to live, work and recreate in a clean and safe environment. This includes housing, business, industrial, recreation, and open space opportunities to meet the diverse needs of the citizenry's dissimilar ages, ethnic groups, and income levels. In addition, the Lans Use Board and the governing body seek to enhance the historical, environmental, and cultural resources of the community. Preservation of these resources is integral to maintaining the character and quality of life that are identified with the community.

## **Master Plan Reexamination.**

The master plan must be periodically re-examined to address changes in the conditions affecting its basic underlying assumptions. Its strength, however, is predicated on the interaction of all components. The acceptance of each element must include the consideration of its impact on the other elements. Only in this manner can modifications be made without undermining the integrity of the plan as-a-whole.

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The New Jersey Municipal Land Use Law, N.J.S. 40:55D-1, et seq. stipulates that each municipality in the State of New Jersey periodically reexamine its Master Plan and development regulations. Specifically, N.J.S. 40:55D-89 states:

“The governing body shall, at least every ten years, provide for a general reexamination of its master plan and development regulations by the planning board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board. A notice that the report and resolution have been prepared shall be sent to the municipal clerk of each adjoining municipality, who may, on behalf of the governing body of the municipality, request a copy of the report and resolution. A reexamination shall be completed at least once every ten years from the previous reexamination.”

The reexamination report shall state:

- 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,” P.L.1992, c.79 (C.40A:12A-1 et al.) 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.

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It is the intent of the Borough of Elmer Master Plan and this Reexamination Report to advance the following purposes of the New Jersey Municipal Land Use Law as deemed appropriate:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open spaces;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l. To encourage senior citizen community housing construction;
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;

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- n. To promote utilization of renewable energy resources; and
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the Sate Recycling Plan goals and to complement municipal recycling programs.

This reexamination report considers the Master Plan Reexamination Report adopted March 7, 2007, and where noted, utilizes information and content from the January 1993 Comprehensive Plan.

## **Status of 2007 Reexam Recommendations.**

The March 7, 2007 Reexamination Report contains nine recommended changes to the master plan and/or development regulations. The following table denotes the current status of these recommendations.

**Table 2**  
**Status of 2007 Reexam Recommendations**

<b>2007 Recommendation</b>	<b>2026 Status</b>
1. Preparation and adoption of a Housing Element and Fair Share Plan for the Master Plan and submission of the plan element to the Council on Affordable Housing in eh NJDCA for certification.	The Borough is considering options to address affordable housing.
2. Review the current Zoning Map to provide for changing of certain district boundaries from the current MR zoning to LR-1 north of North Main Street, and changing portions of the LM and LR-2 west of Front Street to LR-1; establishing the new LR-1 zone at a minimum lot size of 1½ acres, which will be more consistent with the zoning in the adjoining lands in Upper Pittsgrove Township.	Adoption of these ordinance revisions is not recommended.
3. Extend the RP Residential-Professional Zone along the west side of Front Street from its current terminus south to the Borough boundary.	Adoption of this ordinance revision is not recommended.

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4. Rename the current LR-1 zone in the southeast corner of the Borough as LR-2 with the minimum lot size of 30,000 SF.	Adoption of this ordinance revision is not recommended.
5. Prepare a Historic Element of the Master Plan consistent with the recommendation of the 1999 Reexamination Report.	Pursuit of this recommendation is not recommended.
6. Consider the adoption of a mandatory sidewalk ordinance to insure safe walkable streets within the Borough.	Adoption of this ordinance revision is not recommended.
7. Review permitted uses in the Conservation Zone to eliminate the reference to “grazing land” and consider adoption of an ordinance amending livestock within the Borough.	The reference to “grazing land” has been repealed.  The recommendation re: a livestock ordinance is not recommended.
8. Update the current Town Center designation as provided by the rules of the NJ Office of Smart Growth and the current State Development and Redevelopment Plan (SDRP).	This recommendation is outdated and is not recommended.
9. Prepare a Town Center Design Plan to adopt design and development guidelines for new development and redevelopment within the Center boundary reflective of the character of the community.	This recommendation is outdated and is not recommended.

## **Addressing the Statutory Criteria.**

The statutory requirements for a master plan reexamination (N.J.S. 40:55D-89) are addressed herein.

### **A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.**

The Borough’s 2007 Reexamination Report, by reference to the 1999 Reexamination Report, identifies the following major problems related to land development in the Borough:

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1. On-site sewage disposal.
2. Traffic circulation and road maintenance.
3. Housing conditions.
4. Attracting commercial and industrial development.
5. Providing additional park and recreation facilities.
6. Land use compatibility.

Detailed recommendations regarding these items are contained in the 1999 Reexamination Report. These recommendations were revisited in conjunction with the 2007 reexamination resulting in the following statements regarding their status at that time.

1. A joint study in 2003/04 regarding preparation of a wastewater management plan and construction of a sewage treatment plant were abandoned due to costs and potential unwanted development.
2. The Route 40 by-pass discussion involving the Borough and County concluded that the idea was not feasible and should not be pursued.
3. The Borough has not prepared a Housing Element or Fair Share Plan which is described as an area of concern.
4. Commercial and industrial development:
  - a. The Borough has not prepared an Economic Development plan as recommended in the 1999 Reexam.
5. The 2007 Reexamination Report identifies a number of recreation improvements including a mini-park, toddler play area, ADA-related upgrades, and railroad walking trail.
6. The 2007 Reexamination Report notes that a Recycling Plan and Stormwater Management Plan have been adopted, and indicates the Borough is in compliance with the NJDEP stormwater mandate.
7. The Land Use Board has not adopted the Historic Preservation Plan as recommended in the 1999 Reexamination Report.
8. The 2007 Reexamination Report notes that the Borough is in compliance with the NJ State Development and Redevelopment Plan (SDRP), also noting that the Town Center designation is due to expire in 2008.
  - a. Related to the SDRP; the 2007 Reexamination Report recommends that the Borough revisit the Master Plan for consistency with the Salem County Master Plan.

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- b. The 1999 Reexamination Report recommends preparation of a Center Area Designation Plan due to Town Center expiration.
9. The “Future Land Use Plan” contained in the 1999 Reexamination Report illustrates several zoning changes that were not adopted as of 2007.

Within the context of these goal statements, the Borough seeks to maintain a well-balanced community in which to live, work and recreate in a clean and safe environment. This includes housing, business, industrial, recreation, and open space opportunities to meet the diverse needs of the citizenry’s dissimilar ages, ethnic groups, and income levels. In addition, the Planning Board and the governing body seek to enhance the historical, environmental, and cultural resources of the community. Preservation of these resources is integral to maintaining the character and quality of life that is identified with the community.

**B. The extent to which such problems and objectives have been reduced or have increased subsequent to March 7, 2007.**

The purpose in determining the extent to which such problems and objectives have been reduced or have increased subsequent to March 7, 2007 is to provide information substantiating the need for amendments to the master plan and/or development regulations.

The ability to determine the extent of change is most easily accomplished when the attribute can be quantified and is measurable. However, when evaluating the components that comprise a *community’s character or quality of life* a quantitative measurement is not usually available. Available data indicate a significant reduction in development activity coincident with the economic downturn in 2008 which has served to abate, at least temporarily, municipal concerns related to land development.

1. On-site sewage disposal. No change since 2007.
2. Traffic circulation and road maintenance. No change since 2007.
3. Housing conditions. Elmer has a 2025-2035 Prospective Need of 8 units.
4. Attracting commercial and industrial development. No change since 2007.
5. Providing additional park and recreation facilities. Additional parks and recreation facilities have been created.
6. Land use compatibility. No change since 2007.

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7. Master Plan consistency. Based on available county planning documents, Elmer Borough’s Master Plan is considered *generally consistent* with the Salem County Master Plan. This conclusion comes from the Salem County Cross-Acceptance Response Template (CART), June 2025, which evaluates municipal alignment with county and state planning goals. The Salem County Planning Board maintains municipal chapters for each town, including Elmer’s Wastewater Management Plan chapter, which is part of the countywide planning framework. This integration is another indicator of consistency.

Review of variance applications submitted to the Land Use Board over the past five years as depicted in Table 1 does not identify any distinctive issues or trends that suggest the need to revise the Land Development Code (Chapter 25).

**Table 1**

11/6/2025	95 Park Avenue Block 30 Lot 23.01	Conservation	construction of a home on a vacant lot	Bulk Variances minimum lot area minimum frontage minimum lot depth
1/9/2025	80 Broad Street Block 1 Lot 10	Commercial Light Industrial	two (2) additional storage containers and one (1) oversized	Use Variance and Site Plan Waiver
4/4/2024	239 Broad Street Block 20 Lot 19	Medium Density	construction of a home on a vacant lot	Bulk Variances minimum lot area minimum lot width minimum side yard
11/2/2023	424 Broad Street Block 22 Lot 4	Low Density	change of use from furniture store to janitorial supplies	Use Variance and Site Plan Waiver
10/5/2023	329 Front Street Block 12 Lots 2.10 + 2.12	Low Medium Density	construction of church facilities on vacant lots	Major Site Plan
12/1/2022	620 Salem Street Block 31 Lot 1	Low Density	minor subdivision and construction of home on vacant lot, mostly in Pittsgrove	Bulk Variances minimum lot area minimum lot depth maximum impervious coverage
4/1/2021	419 Broad Street Block 21 Lot 49	Medium Density	construction of a home on a vacant lot	Bulk Variances minimum lot area minimum lot width minimum lot depth maximum impervious coverage

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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.

Changes in the assumptions, policies and objectives forming the basis for the master plan and development regulations can be caused by events or changes in philosophy internal to Elmer Borough or from outside influences such as surrounding municipalities or State action and policies. There have been no major occurrences in recent years in the municipalities surrounding Elmer Borough that would lead to significant changes in the assumptions, policies and objectives relating to land use and development in the Borough.

Municipal Land Use Law.

Since 2007, New Jersey's Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-1 et seq., has undergone several significant revisions to modernize public notice requirements, incorporate renewable energy, and address evolving housing mandates. The following are particularly relevant to this reexamination of Elmer's master plan. Appendix A contains a complete list of legislative changes affecting master planning.

- **Affordable Housing & Master Plan Elements (2025):** New legislation (S-4451) has moved the housing element to a mandatory requirement within the MLUL. This shift necessitates that municipalities proactively assess and revamp their master plans to meet current housing requirements. It requires a detailed build-out analysis and a specific policy statement on its relationship with the land use element.
- **Climate Change & Resiliency (2021):** The MLUL was amended (P.L. 2021, c. 6) to require that the land use element of a municipal master plan include a Climate Change-Related Hazard Vulnerability Assessment. It must analyze threats from increased temperatures, drought, flooding, and sea-level rise using the latest NJDEP projections.
- **Electric Vehicle (EV) Infrastructure (2021):** Legislation was enacted to streamline the installation of EV charging stations, often treating them as permitted accessory uses in most zones to encourage green infrastructure development.

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- **Digital Public Notice (2026):** Effective March 1, 2026, municipal land use boards are authorized to provide legal notice through their official websites rather than solely through local newspapers.
- **Solar Panels:** The MLUL (NJS 40:55D-38.1) was amended in 2014 to specify that an ordinance requiring approval by the planning board of either subdivision of site plans, or both, shall not include solar panels in any calculation of impervious surface or impervious cover.
- **Smart Growth:** A law was passed in January 2018 requires the Land Use element of a municipality's Master Plan Land Use Element to address "smart growth which in part, shall consider 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 issues."

**Related Topics.**

**Council on Affordable Housing**

The Fair Housing Act of 1985 (FHA) mandates that each municipality provide a realistic opportunity for decent housing for low- and moderate-income families. The FHA established a comprehensive planning and implementation process for municipalities to address their affordable housing obligations.

Affordable housing obligations for a given time period are calculated as the sum of present need, unmet prior round obligations, and prospective need over that period. Given a common starting date, these three categories are mutually exclusive and therefore additive. Unmet obligations and present need combine to quantify existing need that is unmet by current supply of housing of an acceptable quality. Prospective need projects additional need anticipated to arise in the future.

Elmer Borough's affordable housing situation is shaped by New Jersey's new 2025–2035 affordable housing rules, which require every municipality—including very small towns like Elmer—to plan for a specific number of affordable units. The state has released the methodology and statewide obligations, and has assigned Elmer's Borough a Prospective Need<sup>1</sup> of 8 units.

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<sup>1</sup> "Prospective need" refers to the projected demand for new, affordable housing units within a municipality, based on anticipated population growth and development over a set period (2025–2035 in New Jersey). It differs from "present need" (rehabilitation of existing homes) by focusing on future construction obligations, often calculated using land capacity, income, and, in some cases, a 1,000-unit cap.

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A builder's-remedy lawsuit remains a potential threat for towns that do not comply with the new 2025–2035 affordable-housing rules. Elmer is small, but size does *not* protect a municipality from litigation. New Jersey's rules state that if a town does not participate in the required affordable-housing process, it loses immunity and becomes vulnerable to builder's-remedy lawsuits. A developer who wins such a case can: override local zoning, build at higher density than the town allows, include a mix of market-rate and affordable units, and force the town to pay for court-appointed planning experts.

Lack of sewer infrastructure has a *major* limiting effect on development in small New Jersey towns like Elmer Borough. It restricts housing density, raises construction costs, complicates affordable-housing compliance. Without a public sewer system, all new development must rely on individual septic systems, which require: large lot sizes, suitable soil percolation, adequate separation from groundwater, and space for a reserve field. This means multifamily housing is nearly impossible, townhouses, apartments, and mixed-use buildings cannot be built, and even modest subdivisions require large parcels. For a small borough like Elmer, this dramatically reduces development potential.

Higher costs for developers related to septic engineering/design, soil testing and larger land purchases typically makes projects less profitable and reduces developer interest. Environmental and regulatory constraints related to septic systems also trigger NJDEP permitting, and strict nitrate dilution standards which in many cases, eliminate parcels entirely from development consideration.

*Performance Guarantees.*

The MLUL was amended on January 16, 2018 providing an update to performance and maintenance guarantee regulatory controls.

*Residential Site Improvement Standards*

The NJDCA Residential Site Improvement Standards (RSIS) sets forth the standards for residential development. Residential applications before the Borough must conform to the standards or apply for exemptions or waivers to the standards based on special conditions. The latest regulation can be found at N.J.A.C. 5:21-1.1 et seq. effective on June 7, 2010. The Site Improvement Advisory Board provides a mechanism to hear requests for modifications or make changes to the RSIS.

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Data Centers

Data centers raise significant land-use concerns, especially around power demand, water consumption, environmental impacts, zoning compatibility, and community opposition. Local grids may require substation upgrades, transmission line expansions, and large utility easements. Water scarcity may limit development capacity, trigger moratoria, or require alternative cooling technologies.

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.

A re-examination report may reach the conclusion that no changes are necessary to the existing Master Plan, in which event no further action is required. If, however, specific changes are recommended in the re-examination report, then the Master Plan should be amended following the procedures set forth in Section 40-3<sup>2</sup> which requires that public notice be given. If the recommendations set forth in the reexamination report are themselves substantially in such form as might or could be set forth as an amendment or addendum to the Master Plan, then the re-examination report, if adopted in accordance with the procedures discussed in Section 40-3, may be considered to be an amendment to the Master Plan. The statutory requirement for the giving of personal notice to property owners within a district of a zoning ordinance amendment proposing a change to the classification or boundaries of a zoning district, is not applicable to changes made as a result of a master plan reexamination. See NJS 40:55D-62.1 and 40:55D-63.

The recommendations noted in this report are based on planning and land use issues within the community identified subsequent to the 2007 Master Plan Reexamination by the Land Use Board.

As indicated above, the primary goals of the Borough master plan have remained intact for over thirty years. The goals set forth in the 1993 Comprehensive Development Plan were advanced via the 2007 master plan reexamination and remain valid and appropriate in 2026.

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<sup>2</sup> New Jersey Zoning and Land Use Administration (2013 Edition), William Cox, page 963.

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**Goals and Objectives**

The Master Plan Goals and Objectives as cited on Pages 5-7 of this report remain valid and appropriate with the following recommended revision to Goal 3 and Goal 8.

3. Maintain or raise residential values by preventing the introduction of new incompatible uses and by managing the impacts of existing uses.

The development and enforcement of a Land Use Plan should prevent incompatible land use situations in the future. Should an updated inventory identify incompatible land uses, regulations to discourage such situations in the future should be considered. Therefore, the adopted land use policy should provide separation of incompatible land uses and should attempt to manage existing incompatible situations

8. Provide for adequate community facilities commensurate with future demand for those facilities.

A major concern in every municipality is the adequate provision of community facilities to supply existing and future populations. Although the Background Studies indicate some deficiencies in the Borough's community facilities and recommended improvement, it has been determined that the deficiencies identified in 1993 were based on projected population growth in the Borough that has not materialized. In addition, the Borough has made significant improvements and has expanded the availability of facilities for public use.

**2007 Reexamination Recommendations.**

The 2007 Reexamination Report contains nine Master Plan recommendations (see Table 2 above). The Planning Board has reviewed these as part of the 2026 reexamination, and recommends that all be affirmatively dismissed with the exception of No. 1 (housing), which is re-stated below.

**Housing Element and Fair Share Plan.**

Legislation passed in 2025 (S-4451) transitioned the housing plan element from an optional to a mandatory element of the master plan. It requires a detailed build-out analysis and a specific policy statement on its relationship with the land use element. The

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2007 Reexamination Report recommended that the Borough adopt a Housing Element and Fair Share Plan and obtain COAH certification.

Elmer Borough's affordable housing situation is shaped by New Jersey's new 2025–2035 affordable housing rules, which require every municipality to plan for a specific number of affordable units. Elmer has been assigned a Prospective Need<sup>3</sup> of 8 units. A builder's-remedy lawsuit remains a potential threat for towns that do not comply with the new 2025–2035 affordable-housing rules.

It is generally recognized that lack of sewer infrastructure has a major limiting effect on development. Towns without sewer systems can formally document their septic limitations to reduce their affordable-housing obligations. The state allows towns to reduce their housing number and shift toward lower-density compliance strategies when septic constraints are real, well-documented, and site-specific.

The state recognizes that septic-only communities can't support large apartment buildings, so the compliance strategies look more creative, more distributed, and more incremental. Compliance options that could satisfy the state's requirement for opportunity without mandating sewer-dependent density include:

1. Use "Realistic Opportunity" Instead of High-Density Zoning. New Jersey's rules don't require towns to build the units – only to zone for realistic opportunities.
2. Rely on 100% Affordable Projects on Suitable Parcels. Some towns partner with: nonprofits, Habitat for Humanity, and regional housing developers
3. Use "Accessory Apartments" as Affordable Units. Accessory dwelling units (ADUs) are one of the most powerful tools for septic-only towns. Examples: garage apartments, backyard cottages and converted basements
4. Convert Existing Buildings. Adaptive reuse is a major compliance strategy. Common conversions include: former schools, churches, municipal buildings, and large older homes.

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<sup>3</sup> "Prospective need" refers to the projected demand for new, affordable housing units within a municipality, based on anticipated population growth and development over a set period (2025–2035 in New Jersey). It differs from "present need" (rehabilitation of existing homes) by focusing on future construction obligations, often calculated using land capacity, income, and, in some cases, a 1,000-unit cap.

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4. Use “Overlay Zones” to Create Optional Development Paths. Instead of forcing density everywhere, towns create overlay zones that allow: small multifamily buildings, mixed-use with apartments above shops, and townhouses.

**Chapter 25 Land Development.**

**§25-3.2 Words and Phrases Defined.**

- Define the following terms:
  - Pharmacies;
  - Sales and service of automobiles,
  - Small trucks; Service station.
  - Public utility uses
  - Data center
- Revise the definition of Coverage to comply with (NJS 40:55D-38.1) specifying that an ordinance requiring approval by the planning board of either subdivision of site plans, or both, shall not include solar panels in any calculation of impervious surface or impervious cover.
- Evaluate the need to revise the definition of “Dwelling” which does not include structures used for “transient purposes” with Chapter 11 which licenses short-term rentals.

**§25-15.2 Schedule of District Regulations.**

- Under Conditional Uses, add reference to §25-15.9 Apartment Houses/Conversion for each zone district listed.
- Revise the following references for the LR1 Zone:
  - Kennels and animal hospitals (per subsection 25-19.5)
  - Public or private swimming clubs (per subsection 25-19.6)
- Revise the following reference for the GB Zone:
  - Service stations (per Section 25-19.3)

**§25-15.2 Prohibited Uses in All Zones.** Add “Data Center”

**§25-18.6 Off-Street Parking and Loading.** Update this section per the NJ Residential Site Improvement Standards and NJ Model Electric Vehicle Parking ordinance.

**§25-19.5 Kennels and Animal Hospitals.** For clarity and additional regulations, add a reference to Chapter 5 (Animal Control) of the Borough Code.

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§25-29.1 Off-Street Parking. Residential parking should be in accord with NJ Residential Site Improvement Standards. The ordinance should also include a reference to the NJDCA Model Electric Vehicle Ordinance.

The reference to Appendix E as an attachment should be removed.

§25-29.5 Buffering; Screening. Add a requirement for an Agricultural Buffer to mitigate "nuisance" impacts between farming and residential areas, such as noise, dust, odors, and chemical spray drift.

§25-37.13 Recycling Areas. Add design standards for trash enclosure on commercial properties.

§25-39 Performance Guarantees, Installation and Acceptance of Improvements. Update this section to comply with the 2018 amendments to the MLUL.

Conditional Uses. The MLUL requires that, "A zoning ordinance may provide for conditional uses to be granted by the planning board according to definite specifications and standards which shall be clearly set forth with sufficient certainty and definiteness to enable the developer to know their limit and extent."

The following conditional uses listed in Chapter 25 do not conform to the above requirement and should be evaluated and revised as necessary:

- Public or private tennis clubs
- Social clubs, lodges, and assembly halls
- Private education institutions, libraries, museums and cultural facilities.
- Hospitals, nursing homes, extended care facilities, clinics, and hospices
- Professional office buildings specifically for medical related professions and activities
- Medical laboratories
- Social clubs, lodges, and assembly halls
- Funeral homes
- Homes for the aged
- Public utility use

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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 recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The Borough has not adopted any redevelopment plans to date, therefore no further action is required to address this MLUL requirement.

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## **Appendix A – Table of Zoning Recommendations**

Define the following terms: <ul style="list-style-type: none"><li>○ Pharmacies</li><li>○ Sales and service of automobiles</li><li>○ Small trucks; Service station</li><li>○ Public utility uses</li><li>○ Data center</li></ul>
Revise the definition of Coverage
Evaluate the need to revise the definition of “Dwelling” to comport with Chapter 11
<u>Conditional Uses</u> , add reference to §25-15.9 Apartment Houses/Conversion for each zone district listed
Revise the following references in the LR1 Zone: <ul style="list-style-type: none"><li>○ Kennels and animal hospitals (per subsection 25-19.5)</li><li>○ Public or private swimming clubs (per subsection 25-19.6)</li></ul>
Revise the following reference for the GB Zone: <ul style="list-style-type: none"><li>○ Service stations (per Section 25-19.3)</li></ul>
<u>Prohibited Uses in All Zones</u> . Add “Data Center”
Revise <u>Off-Street Parking &amp; Loading</u> per the NJ Residential Site Improvement Standards and NJ Model Electric Vehicle Parking ordinance
Revise <u>Kennels and Animal Hospitals</u> by adding a reference to Chapter 5 (Animal Control) of the Borough Code.
Revise <u>Off-Street Parking</u> in accord with NJ Residential Site Improvement Standards. Remove the reference to Appendix E as an attachment.
<u>Buffering; Screening</u> . Add a requirement for an Agricultural Buffer.
<u>Recycling Areas</u> . Add design standards for trash enclosure on commercial properties.
<u>Performance Guarantees, Installation and Acceptance of Improvements</u> . Update this section to comply with the 2018 amendments to the MLUL.
The following <u>Conditional Uses</u> do not conform to the MLUL and should be evaluated and revised as necessary: <ul style="list-style-type: none"><li>● Public or private tennis clubs</li><li>● Social clubs, lodges, and assembly halls</li><li>● Private education institutions, libraries, museums and cultural facilities.</li><li>● Hospitals, nursing homes, extended care facilities, clinics, and hospices</li><li>● Professional office buildings specifically for medical related professions and activities</li><li>● Medical laboratories</li><li>● Social clubs, lodges, and assembly halls</li><li>● Funeral homes</li></ul>

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- Homes for the aged
- Public utility use

## **Appendix B - Legislation Related to Master Plans**

### Municipal Land Use Law.

Since 2007, New Jersey's Municipal Land Use Law (MLUL), [N.J.S.A. 40:55D-1 et seq.](#), has undergone several significant revisions to modernize public notice requirements, incorporate renewable energy, and address evolving housing mandates.

- **Modernized Public Notice (2025/2026):** Effective March 1, 2026, legislation (S4654/A5878) shifts the primary focus of legal notices for land use boards from traditional print newspapers to digital platforms. Municipalities must now:
  - Post all legal notices on their official government websites free of charge.
  - Provide a direct hyperlink to these notices prominently on their homepage.
- **Energy Storage as "Inherently Beneficial" (2025):** Recent amendments (S-4787) classify certain **energy storage projects** as "inherently beneficial uses" under the MLUL. This change facilitates the development of storage systems incentivized by the NJ Board of Public Utilities (BPU) by simplifying the variance process.
- **Affordable Housing & Master Plan Elements (2025):** New legislation (S-4451) has moved the housing element to a mandatory requirement within the MLUL. This shift necessitates that municipalities proactively assess and revamp their master plans to meet current housing requirements.
- **Revised Uniform Housing Affordability Controls (2025):** The NJHMFA adopted updated UHAC rules effective December 15, 2025, which impact how affordable units are administered and distributed within MLUL-governed developments.
- **Climate Change & Resiliency (2021):** The MLUL was amended (P.L. 2021, c. 6) to require that the land use element of a municipal master plan include a Climate Change-Related Hazard Vulnerability Assessment. It must analyze threats from increased temperatures, drought, flooding, and sea-level rise using the latest NJDEP projections.
- **Electric Vehicle (EV) Infrastructure (2021):** Legislation was enacted to streamline the installation of EV charging stations, often treating them as permitted accessory uses in most zones to encourage green infrastructure development.
- **Public Notice Specificity:** The NJ Appellate Division recently clarified that public notices for development applications must include a detailed description of all proposed uses, including any incidental or accessory uses, to be legally sufficient.
- **Master Plan Reexamination:** While the MLUL generally requires a reexamination of the master plan every 10 years, amendments have clarified that municipalities

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cannot place a moratorium on development solely for the purpose of preparing this report.

- **Housing Element Shift (2025):** Legislation passed in 2025 (S-4451) transitioned the housing plan element from an optional to a mandatory element of the master plan. It requires a detailed build-out analysis and a specific policy statement on its relationship with the land use element.
- **Green Building and Environmental Sustainability Element (2008):** Added as an optional element in 2008 (P.L. 2008, c. 54), it encourages municipalities to plan for renewable energy, water conservation, and sustainable site design.
- **Statement of Strategy:** Legislation (S2873/ A4185) was adopted on January 8, 2018 which requires any new land use element to incorporate a Statement of strategy concerning the following issues:
  - Smart growth which, in part, shall consider 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.
- **Time of Application Rule (2010/2011):** Replacing the "Time of Decision" rule, this ensures that the zoning ordinances in effect on the date a complete application is submitted govern its review, protecting developers from "last-minute" ordinance changes designed to block specific projects.
- **10-Year Reexamination Cycle (2011):** The mandatory period for a general reexamination of the master plan and development regulations was extended from six years to every 10 years.
- **Digital Public Notice (2026):** Effective March 1, 2026, municipal land use boards are authorized to provide legal notice through their official websites rather than solely through local newspapers.
- **Inherently Beneficial Uses (2025):** Recent amendments have expanded the "inherently beneficial" status to include certain energy storage systems and solar projects, simplifying the variance process for these developments under the MLUL.
- **Stormwater Management Rules (2020/2021):** NJDEP updated rules to require Green Infrastructure (GI) (e.g., rain gardens, pervious paving) for "major developments" to manage stormwater at its source rather than using traditional detention basins.
- **Solar Panels:** The MLUL (NJS 40:55D-38.1) was amended in 2014 to specify that an ordinance requiring approval by the planning board of either subdivision of

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site plans, or both, shall not include solar panels in any calculation of impervious surface or impervious cover.

- **Smart Growth:** A law was passed in January 2018 requires the Land Use element of a municipality's Master Plan Land Use Element to address "smart growth which in part, shall consider 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 issues."

**Related Topics.**

***Council on Affordable Housing***

The Fair Housing Act of 1985 (FHA) mandates that each municipality provide a realistic opportunity for decent housing for low- and moderate-income families. The FHA established a comprehensive planning and implementation process for municipalities to address their affordable housing obligations.

Affordable housing obligations for a given time period are calculated as the sum of present need, unmet prior round obligations, and prospective need over that period. Given a common starting date, these three categories are mutually exclusive and therefore additive. Unmet obligations and present need combine to quantify existing need that is unmet by current supply of housing of an acceptable quality. Prospective need projects additional need anticipated to arise in the future.

Elmer Borough's affordable housing situation is shaped by New Jersey's new 2025–2035 affordable housing rules, which require every municipality—including very small towns like Elmer—to plan for a specific number of affordable units. The state has released the methodology and statewide obligations, and has assigned Elmer's Borough a Prospective Need<sup>4</sup> of 8 units.

A builder's-remedy lawsuit remains a potential threat for towns that do not comply with the new 2025–2035 affordable-housing rules. Elmer is small, but size does *not* protect a municipality from litigation. New Jersey's rules state that if a town does not participate in the required affordable-housing process, it loses immunity and becomes vulnerable to builder's-remedy lawsuits. A developer who wins such a case can: override local zoning, build at higher density than the town allows, include a mix of

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<sup>4</sup> "Prospective need" refers to the projected demand for new, affordable housing units within a municipality, based on anticipated population growth and development over a set period (2025–2035 in New Jersey). It differs from "present need" (rehabilitation of existing homes) by focusing on future construction obligations, often calculated using land capacity, income, and, in some cases, a 1,000-unit cap.

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market-rate and affordable units, and force the town to pay for court-appointed planning experts.

Lack of sewer infrastructure has a *major* limiting effect on development in small New Jersey towns like Elmer Borough. It restricts housing density, raises construction costs, complicates affordable-housing compliance. Without a public sewer system, all new development must rely on individual septic systems, which require: large lot sizes, suitable soil percolation, adequate separation from groundwater, and space for a reserve field. This means multifamily housing is nearly impossible, townhouses, apartments, and mixed-use buildings cannot be built, and even modest subdivisions require large parcels. For a small borough like Elmer, this dramatically reduces development potential.

Higher costs for developers related to septic engineering/design, soil testing and larger land purchases typically makes projects less profitable and reduces developer interest. Environmental and regulatory constraints related to septic systems also trigger NJDEP permitting, and strict nitrate dilution standards which in many cases, eliminate parcels entirely from development consideration.

*Electronic Waste Management Act*

As of 2011, the New Jersey Department of Environmental Protection requires that televisions, computers, electronic tables, e-book readers, and monitors be recycled at designated recycling collection points. These electronic devices are no longer able to be discarded in the regular waste stream as most contain lead, mercury, cadmium, nickel, zinc, brominated flame retardants, and other potentially hazardous materials.

*Local Redevelopment and Housing Law (LRHL)*

In 2013, an amendment to the Local Redevelopment Housing Law was approved by the State Legislature which permits the option of designating a redevelopment area with or without condemnation powers.

*Municipal Stormwater Management*

Under the Municipal Land Use Law Section 40:55D-93, every municipality shall prepare a storm water management plan and a storm water control ordinance or ordinances to implement the plan. The Borough adopted a Stormwater Management Plan in accordance with New Jersey Department of Environmental Protection requirements on December 15, 2005. As required by the Municipal Land Use Law the Stormwater Management Plan has been reexamined and there are no recommended changes.

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*New Jersey State Development and Redevelopment Plan*

The New Jersey State Development and Redevelopment Plan (the State Plan) is a policy guide to be used by state, regional, and local agencies to increase the consistency of planning efforts. Municipal, county, and regional plans may be reviewed by the State Planning Commission to evaluate consistency with the State Plan. If the Commission finds a plan to be consistent, then the plan will be eligible for priority assistance and incentives.

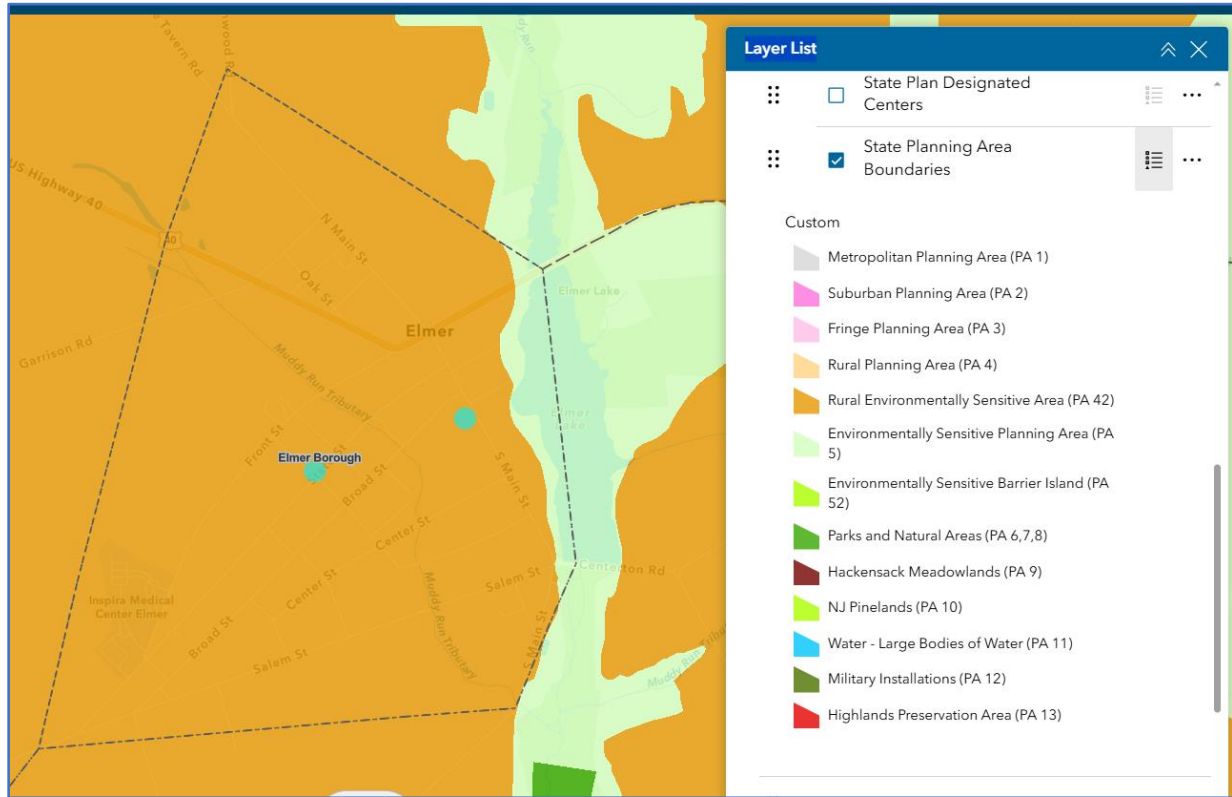
A major goal of the State Plan (noted below) is environmental protection and centers-based growth. This goal is closely aligned with and is supported by the primary goals of the Borough Master Plan.

The New Jersey State Planning Commission adopted a major update to the State Development and Redevelopment Plan (SDRP) on December 17, 2025, marking the first comprehensive revision since 2001. The 2025 Plan provides a long-term vision (through 2050) emphasizing sustainable growth, climate change resilience, transit-oriented development, and affordable housing.

With the exception of Elmer Lake and adjacent Environmentally-Sensitive Planning Area (PA5), Elmer Borough is classified as a Suburban Planning Area (PA2) in New Jersey's State Development & Redevelopment Plan. The PA2 classification reflects Elmer's small-town character, existing development pattern, and limited infrastructure capacity. The PA-2 classification is appropriate for Elmer due to: the moderate-density residential pattern, small commercial core, limited vacant land, lack of public sewer, surrounding rural and agricultural areas, and historic small-town form.

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**NJ State Development & Redevelopment Plan Map**



Performance Guarantees.

The MLUL was amended on January 16, 2018 providing an update to performance and maintenance guarantee regulatory controls.

Permit Extension Act.

On July 1, 2020, Governor Murphy signed the [Permit Extension Act of 2020](#) (“PEA”) into law. The PEA extends certain governmental permits, approvals, and deadlines for the duration of the “COVID-19 Extension Period.” The Extension Period begins on March 9, 2020 and continues until the end of the COVID-19 public health emergency. The PEA also provides an additional 6 months of tolling.

Residential Site Improvement Standards

The NJDCA Residential Site Improvement Standards (RSIS) sets forth the standards for residential development. Residential applications before the Borough must conform to the standards or apply for exemptions or waivers to the standards based on special conditions. The latest regulation can be found at N.J.A.C. 5:21-1.1 et seq. effective on June

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7, 2010. The Site Improvement Advisory Board provides a mechanism to hear requests for modifications or make changes to the RSIS.

*State Strategic Plan*

In October of 2011, the Draft State Strategic Plan (SSP) was developed as an update to the current State Development and Redevelopment Plan (SDRP). The intent of the SSP is to increase focus on polices aimed to foster job growth, support effective regional planning, and preserve the State's critical resources.

*State Agriculture Development Committee*

Farmland Preservation Plans.

Recent amendments to the SADC's PIG regulations at NJAC 2:76-17A.4(b) effective August 3, 2020, require the municipal planning board, in consultation with the municipal agricultural advisory committee to review and readopt the comprehensive farmland preservation plan at least every 10 years. The readopted plan shall, at a minimum, provide updates to the elements required at NJAC 2:76-17A.4(a)2, 3, 4, and 7 and to the project area inventory described at NJAC 2:76-17A.5.

Rural Microenterprise Activity on Preserved Farmland.

The State Agriculture Development Committee has adopted amendments January 25, 2018 at NJAC 2:76-22.1 through 22.12 and 22.14, and new rules at NJAC 2:76-22.12 and 22A to implement legislation (P.L. 2015, c. 275) that allows a farmer who owns a qualifying preserved farm to apply for a special permit to conduct a rural microenterprise within certain parameters. Rural microenterprises are certain types of appropriately scaled businesses or activities that are compatible with the agricultural use of the farm. The Act also promotes and incentivizes the preservation of historic and culturally significant agricultural structures.

Winery Special Occasion Events on Preserved Farmland.

On October 26, 2017 SADC approved for adoption proposed rules at NJAC 2:76-27 to implement P.L. 2014, c.16 that allows special occasion events to be held at wineries located on preserved farms under certain circumstances. The rules formalize existing procedures for implementing the winery pilot program that was established pursuant to the legislation. The rules also establish the standards for verifying compliance with the legislation's income limit, including audit

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procedures. The rules became effective on November 20, 2017 upon publication in the New Jersey Register.

Agricultural Management Practice for On-Farm Direct Marketing Facilities, Activities and Events; and Revised Right to Farm Procedural Rules.

On January 31, 2014 SADC approved for adoption proposed rules that establish an agricultural management practice (AMP) for On-Farm Direct Marketing Facilities, Activities and Events, NJAC 2:76-2A.13, and revise the Right to Farm procedural rules, NJAC 2:76-2.3, 2.4, 2.5, 2.7, 2.8, 2.9 and 2.10.

*Surface Water Quality Standards*

The Surface Water Quality Standards (SWQS) establish anti-degradation policies for all surface waters of the State under N.J.A.C. 7:9B-1.1 et seq. The SWQS require that all existing and designated uses shall be maintained and protected for all surface waters of the State. Impaired waters must be restored to meet SWQS. Existing water quality shall be maintained. The anti-degradation designations include the establishment of Category One Waters by NJDEP with a requirement of a 300 foot wide buffer adjacent to streams.

*Vacant and Abandoned Properties*

The New Jersey Land Bank Law was signed into law on July 10, 2019. This legislation allows municipalities to designate a land bank entity to obtain vacant, abandoned and neglected properties for productive reuse purposes. It is intended to provide municipalities with a tool to revitalize and reuse properties for the public benefit.