

**2007 Periodic Reexamination Report of the Master Plan and Development Regulations
for Hopewell Township, Mercer County, New Jersey**

Adopted as revised on October 18, 2007
(Resolution memorialized on November 29, 2007)

The Municipal Land Use Law (MLUL), at N.J.S.A. 40:55D-89, includes the following statement relative to the periodic examination of a municipal Master Plan:

“The governing body shall, at least every six 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 and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 6 years from the previous reexamination.”

The most recent reexaminations completed by the Planning Board were adopted in 1992, 1998 and 2002. The adoption of the 1992 Reexamination Report occurred at the same time as the adoption of a revised Master Plan in 1993 (the 1992 Master Plan), which was prompted by recommendations in the Reexamination Report to update the Master Plan. The 2002 Reexamination Report followed the 2002 Master Plan and preceded the zoning ordinance amendments adopted by the Township Committee in December 2002.

The December 1998 Reexamination Report (the 1998 Reexamination) recommended a series of revisions to the Master Plan and Land Use and Development Ordinance. The recommended revisions to the Land Use and Development Ordinance included, in addition to those relating to an amended Master Plan, recommendations to include changes in the MLUL, revisions to refine issues dealing with procedures, and revisions to clarify language. The 1998 Reexamination Report also recommended the examination of a wide range of policy issues, as further discussed below.

In May 2002 (action memorialized in June 2002), the Planning Board adopted a new Statement of Goals and Objectives, Land Use Plan Element and Conservation Plan Element (the 2002 Master Plan). These Plan Elements recommended a series of changes to the Land Use Plan and Land Use and Development Ordinance, including revisions to the density and distribution of housing; revisions to the existing Master Plan and zoning boundaries; the incorporation of creative land subdivision techniques; and, the incorporation of creative development alternatives. The new Conservation Plan Element recommended a series of policies and strategies to address the preservation, conservation and utilization of a range of natural resources, including energy and air quality, forest resources and native vegetation, groundwater, scenic resources, steep slopes, stream

corridors, surface waters, threatened and endangered plant and animal species, and wetlands.

Since the last Reexamination Report, adopted on September 30, 2002, the Planning Board has completed the following Master Plan elements:

- Farmland Preservation Plan Element (adopted May 27, 2003)
- Open Space and Recreation Plan Element (adopted December 9, 2004)
- Historic Preservation Plan Element (adopted December 9, 2004)
- Stormwater Management Plan Element (adopted March 22, 2005)
- Housing Plan Element and Fair Share Plan (adopted November 29, 2005)
- Circulation Plan Element (adopted March 9, 2006)
- Community Facilities Plan Element (adopted April 12, 2007)

In addition, in December 2002 the Township Committee adopted amendments to the development regulations (Chapter XVII, Land Use and Development Ordinance, also known as the land use or zoning ordinance) to implement the 2002 Master Plan.

The Municipal Land Use Law requires consideration of five areas (N.J.S.A. 40:55D-89a-e) within the Reexamination Report, which are discussed below.

C. 40:55D-89a “The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.”

At the time of the last reexamination report the Planning Board in September 2002 had adopted a new Statement of Objectives, Land Use Plan Element and Conservation Plan Element (collectively referred to as the 2002 Master Plan), and was reviewing land use ordinances to implement the 2002 Master Plan. The 2002 Master Plan included a comprehensive examination of the Township’s goals and objectives, land use strategies and conservation objectives, and represented a significant change in the Township’s land use policies.

Several recurring themes dominated the problems and objectives identified in the 1998 Reexamination Report. Summarily, these issues related to housing and population, employment, circulation and transportation, and the density and distribution of land uses. The 1998 Reexamination Report also noted the principal influences on planning in the Township, County and State, citing water and sewer service in the Township, the County’s Transportation Development District (TDD), the State Development and Redevelopment Plan (SDRP), the proposed (but unrealized) Route 31 highway access management plan, amendments to the MLUL permitting the transfer of development between non-contiguous parcels, and the intergovernmental efforts to acquire parks and open space. These items presented opportunities to the Township that had not been available in the previous 20 years of master planning.

The 2002 Reexamination Report examined all of the recommendations contained in prior reexamination reports. The 2002 Report noted the changing climate in land use

and planning policies, assumptions and objectives, and recommended changes to the Master Plan and land use ordinance to address these policies.

The specific items identified by the Planning Board relative to the Master Plan included the following:

1. The preparation and adoption of a revised Circulation Plan Element, including findings and recommendations from the Hopewell Valley Traffic Management Coalition and the Route 31 Design Guidelines study.
2. The preparation and adoption of an Open Space and Recreation Plan Element, addressing the criteria of both the Municipal Land Use Law and those established by the New Jersey Department of Environmental Protection.
3. The preparation and adoption of a Farmland Preservation Plan Element, in cooperation with the Township's Agricultural Advisory Committee, in order to complete the Township's eligibility for a farmland preservation Planning Incentive Grant.
4. The preparation of a Traditional Neighborhood Development (TND) design study, including a process of consensus-building and public involvement, culminating in a design study that specifies the development regulations and design guidelines for the TND.
5. The preparation and adoption of a Community Facilities Plan Element, showing the existing and proposed location and type of municipal facilities, educational and cultural facilities, and emergency services facilities.
6. The preparation and adoption of a Utility Services Plan Element, analyzing the need for and showing the future general location of water supply and distribution facilities, sewerage and waste treatment facilities, solid waste facilities and related utilities.
7. The preparation and adoption of a Scenic Roads and Views subplan element of the Conservation Plan, including an inventory, analysis and design standards.
8. The preparation and adoption of a revised Housing Plan Element when the Council on Affordable Housing issues its third round of affordable housing obligations, and when the detailed results of the 2000 U. S. Census relative to housing and demographic conditions are available.
9. The preparation and adoption of a Historic Preservation Plan Element and guidelines for historic preservation.

Of the above Items, Items 1, 2, 3, 5, 8 and 9 have been completed. Item 4 is discussed later in this report; Item 6 is currently under preparation; and, Item 7 remains in the Planning Board's work program but has not been funded.

The 2002 Master Plan contains an updated Land Use Plan Element that included revised objectives, policies and standards, and which recommends substantial amendments to the development regulations (Land Use and Development Ordinance). In order to maintain consistency between the Master Plan and Ordinance, the following revisions to the development regulations were recommended in September 2002:

1. The Zoning Map should be amended to comply with the attached map of Recommended Classification and Boundary Changes to Zoning Districts, dated September 2002. The development regulations and Zoning Map must be either substantially consistent with the Land Use Plan Element and Housing Plan Element of the Master Plan or designed to effectuate these plan elements.
2. The development regulations should be amended to incorporate revised bulk standards for the Valley Resource Conservation (VRC, formerly Valley Agriculture) and Mountain Resource Conservation (MRC, formerly Mountain Conservation) Districts, as recommended in the Master Plan.
3. The development regulations should incorporate new development standards for the open lands subdivision option in the VRC and MRC Districts, and should incorporate revised standards for the clustering and lot averaging development options recommended in the Master Plan.
4. The development regulations should incorporate development standards and delineation criteria for the Village development option, including mechanisms to transfer development potential from contiguous and noncontiguous parcels.
5. The development regulations should incorporate standards for the design of a Traditional Neighborhood Development, following the preparation of a design study and implementation of a community consensus-building process.
6. The development regulations should be revised to include the new Research Office Districts (RO-1, RO-2 and RO-3) with the recommended changes to the permitted floor area ratios of 13 percent in the RO-2 District and 5 to 10 percent in the RO-3 District.
7. The development regulations should provide for a combined Office/Commercial Conversion District, as recommended in the Master Plan, which includes the permitted uses formerly permitted in the separate Office and Commercial Conversion Districts.
8. The development regulations should be revised to delete two small Shopping Center Districts on Princeton Avenue and Washington Crossing-Pennington Road; and, one Neighborhood Retail Commercial District on both sides of Route 31 south of the intersection with Route 518.

9. The development regulations should be revised to incorporate the recommendations of the Master Plan relative to the zoning classification for the Quarry District upon depletion of the quarry material.
10. The development regulations should be amended to include the design standards that are developed as part of the Scenic Roads and Views study.
11. The development regulations should be revised to incorporate the recommendations of the Conservation Plan Element relative to energy and air quality, forest resources and native vegetation, groundwater, steep slopes, stream corridors, surface water, threatened and endangered plant and animal species and wetlands.
12. The development regulations should be revised to address procedural issues and organizational problems.

In December 2002 the Township Committee adopted the bulk of these recommendations. Items 5 and 10 have not been addressed; Item 11 has been addressed in part through the adoption of stream corridor and stormwater management ordinances; and, Item 12 has been addressed in part through amendments to the Checklist and General Development Plan sections of the ordinance.

C. 40:55D-89b ***“The extent to which such problems and objectives have been reduced or have increased subsequent to such date.”***

With the adoption of the land use ordinance amendments in December 2002, the Township addressed and implemented the recommendations of the 2002 Master Plan relative to the development regulations. By adoption of this comprehensive land use ordinance amendment, the Township reconciled and made consistent the municipality’s Land Use Plan Element and land use ordinance. The adoption of zoning amendments to create new Valley Resource Conservation (VRC) and Mountain Resource Conservation (MRC) districts was the culmination of a four year process. In addition to the establishment of these two zoning districts, the ordinance amendments included a reduction in acreage of the nonresidential districts in the Township; and, a reduction in the permitted floor area ratio (FAR) in the Research Office districts.

The adoption of the 2002 land use ordinance amendments prompted a number of legal challenges to the validity of the zoning. Some of these challenges were dropped, and some resulted in settlement agreements. The following is a brief summary of the settlement agreements:

- To settle the Garden Properties litigation, the OP, Office Park District was extended to the west side of Scotch Road, covering 200 acres and permitting 500,000 to 1,000,000 square feet of office. The settlement also provided a 170 acre public recreation area to the Township, and 65 acres were retained in the VRC District.

- To settle the Else litigation, an 8 acre parcel was zoned C-1, Neighborhood Retail Commercial District, while a 100 acre parcel was retained in the VRC District.
- To settle the Trap Rock litigation, a 44 acre parcel was included in a new zone termed the OLI, Office-Light Industrial District. The remaining 400 acres were retained in the VRC and MRC Districts.
- To settle the Pennwell/Kooltronics litigation, Kooltronics was given the right to approximately double the facility, and the remainder of the tract was designated for a Hamlet to accept the transfer of development potential. The new zoning district that was designated is termed the VRC-HLI, Valley Resource Conservation – Hamlet Light Industrial District.

The most significant lawsuit, that which challenged the revised zoning for the VRC and MRC districts, which encompass approximately 78 percent of the Township, went to trial in May 2006. In August 2006 Judge Feinberg issued an 86 page written decision that upheld the Township's actions. This decision is currently under appeal.

Since the time of the last Reexamination Report in 2002, the Township Committee and Planning Board have been actively pursuing refinements to the Township's land use and planning program to address the concerns expressed in the Report, as well as subsequent concerns. These efforts have mitigated previous problems and have resulted in a refinement of the Township's policy objectives.

Among the work items that the Planning Board has addressed are the preparation and adoption of the following Master Plan elements:

- Farmland Preservation Plan Element (adopted May 27, 2003)
- Open Space and Recreation Plan Element (adopted December 9, 2004)
- Historic Preservation Plan Element (adopted December 9, 2004)
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Since the time of the last Reexamination Report the Township Committee and Planning Board have made a great deal of progress in addressing the recommendations of the Reexamination Report, and in refining the ordinances that apply to land development activities, with the goal of addressing the problems that were seen relative to the protection of public health, safety and welfare, natural resources and the Township's rural character.

Additional initiatives in the Township have further addressed the Reexamination Report's recommendations concerning historic preservation, farmland and open space retention, and traffic. After the Township established a Historic Preservation Commission (HPC), the HPC identified, and the Township Committee designated, numerous historic sites and structures in order to maintain the Township's heritage. Equally important was the HPC's preparation of a Historic Preservation Plan Element,

which subsequently was adopted by the Planning Board in December 2004. This Historic Preservation Plan Element has been used as a model at historic preservation conferences, and led to the preparation of an award-winning set of Historic Design Guidelines, titled "A Guide for Maintaining and Rehabilitating Historic Buildings and Landscapes", September 2005.

With the adoption of the Open Space and Recreation Plan (OSRP) in December 2004, the Township established a comprehensive list of open space and recreation initiatives. In 2003 the Township also commissioned an analysis of the Township and Board of Education facilities by Kinsey Associates. The final report, titled "A Recreation Report for Hopewell Township's Outdoor Recreation System", included recommendations concerning needs, facilities, administration and maintenance. The Planning Board agreed in large part with the analysis, but outlined a series of disagreements and recommendations in the 2004 OSRP.

The Township's Agricultural Advisory Committee (AAC), in accordance with the farmland preservation planning incentive program, prepared a Farmland Preservation Plan. In May 2003 the Planning Board adopted the Township's first Farmland Preservation Plan (FPP), as developed and supported by the AAC. The adoption of this plan element led to the receipt by the Township of a \$5 million Planning Incentive Grant (PIG). The AAC also has been active in the preparation of grant applications, and conducting other outreach and educational programs.

To address traffic and circulation issues, the Township initiated, with the cooperation of Mercer County, the NJ Department of Transportation and, most importantly, the Township's major corporate citizens, a unique study of the Township's traffic patterns. The group, termed the Hopewell Valley Transportation Management Coalition, developed an interactive program that allowed employees to chart the routes that were taken to work, utilizing 57 intersections as reference points. These data were then compiled into a composite view of the use of roadways and intersections in the Township, providing an invaluable database for future recommendations concerning roadway improvements. This report was incorporated into the Circulation Plan Element adopted by the Planning Board in March 2006.

C. 40:55D-89c ***"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."***

Since the time that the 2002 Reexamination Report was adopted, the primary influences on the Master Plan and development regulations have occurred on the State

