

HOPEWELL TOWNSHIP PLANNING BOARD

RESOLUTION NO. 17-022

**RESOLUTION RECOMMENDING ADOPTION OF AN
ORDINANCE AMENDING CHAPTER XVII OF THE CODE OF
THE TOWNSHIP OF HOPEWELL ENTITLED
THE HOPEWELL TOWNSHIP “LAND USE AND DEVELOPMENT ORDINANCE”**

WHEREAS, the Township Committee of the Township of Hopewell has introduced an Ordinance Amending Chapter XVII of the Code of the Township of Hopewell entitled the Hopewell Township Land Use and Development Ordinance (hereinafter the “Ordinance”) to facilitate the production of low and moderate housing pursuant to third round affordable housing proceedings in the Law Division of the Superior Court encaptioned In the Matter of the Application of the Township of Hopewell, Docket No. MER-L-1557-15 (Mount Laurel); and

WHEREAS, the purpose of this Ordinance is to accomplish the foregoing as required by judicial mandate; and

WHEREAS, the intent of the ordinance is to provide affordable housing on RO-1 zoned land through the use of conditional use standards because such standards afford the land owner the maximum opportunity to utilize its site in accordance with the RO-1 nonresidential standards while permitting a defined number of affordable and inclusionary housing units; and

WHEREAS, because Hopewell Township has determined that conditional use standards will be the method for permitting affordable housing in the RO-1 zone, the Township is also required to provide an alternative location to provide the required number of affordable units to ensure a realistic opportunity; and

WHEREAS, the ordinance will include an additional 30 affordable units on Block 85 Lot 3, also known as the Zaitz tract, to be constructed only if affordable units are not constructed on RO-1 zoned lands; and

WHEREAS, the Township Committee introduced the Ordinance at its meeting which took place on November 13, 2017; and

WHEREAS, pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26a, the Township Committee has referred the Ordinance to the Hopewell Township Planning Board to identify any provisions in the proposed amendment which are inconsistent with the Master Plan and make recommendations concerning the inconsistencies and any other matters as the Board deems appropriate; and

WHEREAS, at the Hopewell Township Planning Board's special meeting on November 15, 2017, the Board reviewed the Ordinance as well as a consistency review of the Ordinance in a Memorandum dated November 14, 2017 prepared by Banisch Associates, Inc, presented by Francis Banisch of Banisch Associates, Inc; and

WHEREAS, the Planning Board, pursuant to law, has made the following findings of fact and conclusions:

1. The 2002 Master Plan includes the following identified objective under the heading "Land Use and Management":
 - To provide for a reasonable balance among various land uses that respects and reflects the interaction and synergy of community life.
2. The 2002 Master Plan also includes the following objectives under the heading "Housing":
 - To provide for a variety of housing types which respond to the needs of households of varying size, age, and income, persons with disabilities and emerging demographic characteristics.
 - To promote and support the development and redevelopment of affordable housing intended to address the Township's fair share of the region's lower income housing, particularly in areas served by public transportation which connect to areas of employment.
 - To provide a range of housing opportunities within the Township with densities and lot sizes that respond to the capabilities and limitations of natural systems and available infrastructure.
3. The Planning Board finds that the following objectives of the MLUL (N.J.S.A. 40:55D-2) which are objectives of the Hopewell Township Master Plan are also advanced by the ordinance, which purposes are identified below with commentary:
 - 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.

Commentary: The proposed rezoning results in an appropriate use of land which contributes to the general welfare of the community and state, and is an appropriate response to the mandate to provide affordable housing through municipal zoning.
 - 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.

Commentary: The proposed rezoning does not conflict with the development or general welfare of any neighboring municipality, the county or the state as a whole and it provides a reasonable development option to address local affordable housing goals.
 - f. To encourage the appropriate and efficient expenditures of public funds by the coordination of public development with land use policies.

Commentary: The proposed rezoning provides affordable housing through inclusionary development without the expenditure of public funds and results in the efficient use of the available public infrastructure while curtailing the extension of such infrastructure.

- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.
Commentary: The proposed rezoning provides zoning requirements and standards that produce the opportunity to utilize creative development techniques in order to produce good civic design and arrangements, which are subject to further Planning Board review during the development application process.
 - 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.
Commentary: The procedure followed in developing the proposed ordinance combines public and private procedures that result in an efficient use of land.
4. The Board has compared the proposed ordinance to the Land Use Plan Element of the 2002 Master Plan and the 2011 Housing Plan Element and finds that the intent of the proposed ordinance advances the goal for a balanced land use plan that can meet the constitutional mandate to provide for the Township's fair share of the regional need for affordable housing. Nonetheless, the specific proposal to construct a neighborhood of multi-family apartments within the OP zone is inconsistent with the nonresidential land uses programmed for this site in the Land Use Plan.
5. Notwithstanding this inconsistency, the Planning Board recommends that the Township Committee adopt the proposed ordinance, considering the following facts and reasons:
 - The proposed ordinance provides a better balance of land uses sought in the Master Plan.
 - The proposed development contemplated by the proposed zoning standards should result in a compact building layout and design.
 - The multiple family neighborhood permitted by this ordinance will make future uses of the BMS site possible that will help to revitalize this site as BMS relocates away from this Hopewell campus.
 - While the nonresidential zoning which the proposed ordinance amends is consistent with the Master Plan, the proposed rezoning will advance the goal of diversifying the housing stock and providing affordable housing to meet the constitutional obligation.
6. For all of the above reasons, the Planning Board finds that while the proposed ordinance is technically inconsistent with the Land Use Plan element of the Master Plan, the proposed ordinance strikes a reasonable balance among the many planning considerations affected by the ordinance, and provides a reasonable planning option for the properties affected by the ordinance. Thus, the Board recommends adoption of the ordinance.

7. Notwithstanding the above findings, each member of the Planning Board reserves the right to present recommendations to the Township Committee relating to the Redevelopment Plan as an individual and interested party.

WHEREAS, at the conclusion of the hearing, based on the foregoing findings, the Board took action recommending to the Township Committee that the Ordinance be adopted;

NOW, THEREFORE, BE IT RESOLVED on this 15th day of November, 2017, by the Planning Board of the Township of Hopewell, County of Mercer, New Jersey, that the Planning Board has determined that although the ordinance is technically inconsistent with the Land Use Plan Element of the Master Plan, this technical inconsistency is substantially outweighed by findings #1, #2, #3, #5 and #6 hereinabove.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board recommends that the Ordinance, a copy of which is attached hereto as Exhibit A, be adopted by the Township Committee.

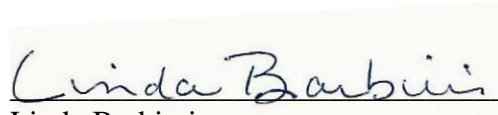
NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby directs the Assistant Secretary to forward this Resolution to the Township Clerk for Township Committee consideration.

ROLL CALL VOTE ON THE RESOLUTION – November 15, 2017

Yes - 6	No - 1	Absent - 3	Abstain -	Not Voting – 0
Belmont: Yes			Murphy: Yes	
Blake: Absent			Parker: Yes	
Clarke: No			Swanson: Yes	
Kiss: Yes			Khare: Absent	
Kuchinski: Absent			Peters-Manning: Yes	

CERTIFICATION

I hereby CERTIFY that the foregoing is a true copy of a Resolution adopted by the Hopewell Township Planning Board at a duly advertised meeting held on November 15, 2017, at which a quorum was present.


Linda Barbieri
Assistant Secretary