

# Hopewell Township 2009 Reexamination Report

## Adopted March 12, 2009

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### **2009 Periodic Reexamination Report of the Master Plan and Development Regulations for Hopewell Township, Mercer County, New Jersey**

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, 2002 and 2007. 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 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 the context of the 2002 Master Plan.

To implement the recommendations of the 1998 Reexamination, 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.

# Hopewell Township 2009 Reexamination Report

## Adopted March 12, 2009

---

The 2002 Reexamination Report followed the 2002 Master Plan and preceded the zoning ordinance amendments adopted by the Township Committee in December 2002.

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.

In 2007 the Township Committee authorized the preparation of a Reexamination Report to address the changes in land use policies that had occurred over the prior five years. In particular, there were changes in land use designations as a result of settlements of zoning challenges. These changes had been endorsed by the Planning Board as zoning ordinance amendments that were referred to the Board as part of the statutory requirements for Board review.

Prior to the 2007 Reexamination Report, adopted on October 18, 2007, the Planning Board completed the following Master Plan elements:

- Farmland Preservation Plan Element (adopted May 27, 2003, revised December 12, 2007)
- 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)

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 in October 2007 the Planning Board recently had completed the Master Plan elements noted above. In addition, 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.

# Hopewell Township 2009 Reexamination Report

## Adopted March 12, 2009

---

The 2007 Reexamination Report examined all of the recommendations contained in prior reexamination reports. The 2007 Report identified nine items relative to the Master Plan that had been identified in the 2002 Report, and reviewed the status of each. The 2007 Report indicated that six of the nine items had been completed, and that three were being addressed in some manner. The three items that were addressed and not completed are identified below, with the commentary from the 2007 Report included.

1. 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.
2. 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.
3. The preparation and adoption of a Scenic Roads and Views subplan element of the Conservation Plan, including an inventory, analysis and design standards.

The 2007 Report also referenced the 2002 Master Plan with regard to revisions to the development regulations that were recommended in September 2002. Of the 12 recommended revisions, the 2007 Report noted that the Township Committee adopted the bulk of these recommendations. The four items that were partially or not addressed are listed as items 1 through 4 below. Item 1 has not been addressed; Item 2 has been partially addressed through the acquisitions of the Martin tract on Carter Road and Bayberry Road, and the St. Michael's tract on Hopewell-Princeton Road and Aunt Molly Road, both of which provide scenic corridors on gateways to the Township, and the designation of the Harbourton Rural Historic District as a Historic District by an ordinance amendment to Chapter 17; Item 3 has been addressed in part through the adoption of stream corridor, steep slope and stormwater management ordinances; and, Item 4 has been addressed in part through amendments to the Checklist and General Development Plan sections of the ordinance.

1. 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.
2. The development regulations should be amended to include the design standards that are developed as part of the Scenic Roads and Views study.
3. 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, surface water, threatened and endangered plant and animal species and wetlands.
4. The development regulations should be revised to address procedural issues and organizational problems.

# Hopewell Township 2009 Reexamination Report

## Adopted March 12, 2009

---

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

As noted above, the principal problems and objectives that were identified in the 2007 Reexamination Report largely have been addressed. The 2007 Report also addressed the legal challenges to the validity of the 2002 land use ordinance amendments. Many of the 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. In 2007 this decision was appealed to the Appellate Division of Superior Court and upheld by the Appellate Division. The plaintiff appealed the Appellate Division decision to the N. J. Supreme Court, which denied certification in December 2008, thus concluding the judicial challenges in this matter.

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 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,

# Hopewell Township 2009 Reexamination Report

## Adopted March 12, 2009

---

titled “A Guide for Maintaining and Rehabilitating Historic Buildings and Landscapes”, September 2005.

In 2008 the Township authorized the first local designation of a historic property that was in private ownership. This designation followed meetings with the affected property owner, discussions with the HPC and Township Committee, and ultimately consent and participation by the property owner. This type of historic designation on a private property, and the process that was followed, is a model as to how the Township may preserve its history.

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 (FPP), which was adopted in May 2003 by the Planning Board and endorsed 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. In December 2007 the Township submitted a revised FPP to the State Agricultural Development Committee (SADC) in order to preserve any funding opportunities that may materialize.

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.

The Delaware Valley Regional Planning Commission (DVRPC), which is the metropolitan planning organization for the Township, established the Central Jersey Transportation Forum, which has brought increased focus on the traffic problems in Mercer County. The most recent analysis by the DVRPC focused on County Route 518.

***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***

# Hopewell Township 2009 Reexamination Report

## Adopted March 12, 2009

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*conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.”*

Since the time that the 2007 Reexamination Report was adopted, the primary influences on the Master Plan and development regulations have occurred on the State level, although there also have been changes in municipal policies and objectives. On the State level the following changes have occurred:

- Baldwins Creek, which drains into Baldwin Lake, was designated in the NJDEP’s surface water quality rules as a Category 1 (C-1) stream. This designation established a 300’ buffer.
- In May 2007, the NJDEP proposed the designation of the Stony Brook from the Pennington-Hopewell Road (Route 654) to Lake Carnegie in Princeton as a C-1 waters, affecting approximately half of the Township in the south and east, or approximately 35 square miles (60 percent of the Township). These rules were modified to reduce the area included in the designation to approximately 25 square miles (42 percent of the Township), and were adopted in May 2008.
- The Council on Affordable Housing (COAH) proposed and adopted new rules for the provision of affordable housing (Third Round rules) in December 2004. The Township prepared and submitted a new Housing Plan Element and Fair Share Plan (HPE/FSP) to COAH in December 2005. In January 2007 the Appellate Division of the NJ Superior Court issued a decision invalidating portions of COAH’s Third Round rules. In October 2008 new Third Round rules were finalized, and the Township submitted a revised HPE/FSP to COAH in December 2008.
- In December 2007 the Township submitted a revised FPP to continue its participation in the PIG funding program.
- The NJDEP finalized rules establishing Counties as the lead wastewater management planning entity.
- The State Planning Commission (SPC) and the Office of Smart Growth (OSG) continued their review of the State Development and Redevelopment Plan (SDRP). More significantly, the SPC readopted revised rules recommending that municipalities seek plan endorsement in order to address municipal proposals to State agencies.
- The Township, through the Environmental Commission, received a grant from the Association of New Jersey Environmental Commissions, and the technical assistance of the DVRPC, has prepared an updated Natural Resources Inventory (NRI). This NRI is an important component of the Township’s wastewater management planning amendments and the plan endorsement process.

In terms of population, land uses and housing conditions, the Township currently has an estimated population of approximately 18,600 persons with an estimated build-out of 23,300

# Hopewell Township 2009 Reexamination Report

## Adopted March 12, 2009

---

persons under existing conditions and zoning. In the past 20 years the Township has broadened the available housing types to include townhomes, age-restricted housing and apartments, which now account for approximately 20% of the housing stock.

The following Table highlights two significant facts concerning housing development in the Township. One, over the last 5 years the new housing is a mix of multifamily and one and two family residences. Secondly, the rate of development in the Township has diminished drastically over the last 3 years.

### Residential Certificates of Occupancy (Units) Authorized for New Construction (January 1, 2004 to November 30, 2008)

<b>Year</b>	<b>Total</b>	<b>1 &amp; 2 Family</b>	<b>Multifamily</b>	<b>Mixed Use</b>
<b>2004</b>	90	47	43	0
<b>2005</b>	130	46	84	0
<b>2006</b>	16	16	0	0
<b>2007</b>	12	12	0	0
<b>2008 (to 11/30)</b>	6	6	0	0
<b>Totals</b>	<b>254</b>	<b>127</b>	<b>127</b>	<b>0</b>

These data also indicate that land development patterns in the Township have followed the approach established by the 2002 Land Use Plan Element and the 2002 land use ordinance amendments. The development of outlying agricultural and environmentally constrained parcels has diminished, and the residential development that has been proposed follows the pattern outlined in the Master Plan. Nonresidential development, which is anticipated to represent the bulk of development over the next six years, has occurred at manageable levels.

A significant change in nonresidential uses occurred with the decision by Capital Health Systems (CHS) to relocate one of its hospitals to the Township. The hospital is constructing a complex of approximately 1,000,000 square feet at the intersection of Scotch Road and Interstate 95, on property formerly owned by Merrill Lynch and included in the Merrill Lynch GDP approval. This development will provide a convenient public service for Township residents, and alter the impact and distribution of traffic in this part of the Township.

The problems with Route 31 serving as a major north/south artery serving west central New Jersey continue. The Township continues to work with the NJDOT and has been able to institute a series of left-turn prohibitions to ameliorate safety concerns. The Township continues to work with the NJDOT to accomplish a redesign of the Pennington Circle, in part incorporating

# Hopewell Township 2009 Reexamination Report

## Adopted March 12, 2009

---

the Route 31 Design Study, which suggested design alternatives and guidelines that were incorporated by reference in the March 2006 Circulation Plan Element.

Denow Road has been completed on the east side of Route 31, and provides an important link in the southern part of the Township. The completion of Denow Road on the west side of Route 31 will provide access to additional land, provide a long-anticipated linkage to Reed Road, and offer opportunities to alleviate the unsafe conditions at Diverty Road.

The Township has continued its acquisition of significant open space and agricultural parcels, in conjunction with adjoining municipalities, Mercer County, the State Departments of Agriculture and Environmental Protection, and non-profit partners such as the Friends of Hopewell Valley Open Space and the Delaware and Raritan Greenway. The 2007 Report noted that among the most significant parcels that were acquired between 2002 and 2007 are the Martin tract on Carter and Bayberry Roads and the St. Michael's tract on Princeton Avenue and Aunt Molly Road. The acquisition of the St. Michael's tract was completed in 2008.

In 2004 the Lawrence-Hopewell Trail Corporation was established after a couple of years of organization and study. The Corporation is overseeing the development of a 23-mile bike/pedestrian trail, approximately half of which is in the Township. Subsequent to the 2007 Report the Township also participated in a unique multi-municipal/County acquisition involving the Twin Pines Airport. Mercer County, the Township, the Boroughs of Hopewell and Pennington and Lawrence Township participated in the acquisition and development of a recreational complex on the 52 acre, which provides much needed recreational areas for multi-municipal use.

In December 2004 the Council on Affordable Housing adopted the long-awaited regulations governing the Third Round (1999-2014) municipal obligation to provide affordable housing. In November 2005 the Planning Board adopted a new Housing Plan Element and Fair Share Plan, which was endorsed by the Township Committee and submitted to COAH in December 2005. In addressing the Third Round rules, which incorporated a new concept termed growth share, the Township provided a plan for 241 affordable units while the projected obligation was 186 affordable units. The Third Round rules were challenged by a number of interested parties, and the Appellate Division of the N. J. Superior Court suspended the rules in January 2007 and directed COAH to conduct additional analysis and rule-making.

Subsequent to the Superior Court suspension of the rules in January 2007 COAH promulgated new rules and new compliance schedules. The Third Round rules were not adopted in the final version until October 2008, and the Township had to submit a complying plan by December 31 2008 to avoid the risk of lawsuits and potential builders' remedies. Under COAH's revised Third Round rules the Township now is potentially obligated for 473 affordable units to address the period of 1999-2018. In November 2008 the Planning Board adopted a revised Housing Plan Element/Fair Share Plan (HPE/FSP) to address the increased obligation, which had close to tripled under the new Rules; in December 2008 the Township Committee endorsed the revised HPE/FSP and authorized its submission to COAH; and, on December 31, 2008 the Township's compliance package was submitted to COAH.



# Hopewell Township 2009 Reexamination Report

## Adopted March 12, 2009

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***C. 40:55D-89d***      ***“The specific changes for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be proposed.”***

The 2002 Reexamination Report outlined a multi-year, multi-phase planning effort intended to provide the Township with a comprehensive, innovative municipal planning program. The planning program has largely achieved this objective. However, there are continuing issues and new initiatives that the Planning Board seeks to accomplish.

One of the Planning Board objectives for 2008 was to “Update the Land Use Plan according to the settlement agreements on zoning”, and this objective has been carried forth into 2009. This objective addresses the ordinances adopted by the Township to settle challenges to the 2002 zoning; all of these ordinance amendments were reviewed by the Planning Board and a consistency review issued. However, while these revised zoning districts, and some new zoning districts, were incorporated into the Zoning Map, they were not incorporated into the Land Use Plan. For consistency purposes these recommendations are made so that the Zoning Map and Land Use Plan map agree.

- 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 development. 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, which was part of a 32 acre parcel in the VRC District, was zoned C-1, Neighborhood Retail Commercial District, with the remaining 24 acres retained in the VRC 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 litigation, Kooltronics was given the right to approximately double the size of its 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 Planning Board has also considered a number of items in the Master Plan and development regulations that should be reviewed and revised. These include the following:

- The Master Plan Goals and Objectives promote passenger rail service in the Township. The housing demand and traffic imported to towns with service to New York City is substantial. The Planning Board suggests that the endorsement be limited to commerce (transportation of goods or trash) to mitigate some commercial traffic on roads.

# Hopewell Township 2009 Reexamination Report

## Adopted March 12, 2009

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- The permitted principal and conditional uses in the nonresidential zones currently do not permit houses of worship or schools. However, the only recent application for a new house of worship was in a nonresidential zone, and the site was found particularly suitable for the proposed use. In addition, the most recent application for a school involved property in a nonresidential zone, and the site also was found to be particularly suitable. Thus, the Planning Board recommends that houses of worship and schools be permitted as permitted principal or conditional uses in the Township's nonresidential zones.
- Permitted conditional uses in residential zones (including houses of worship, schools and day-care centers) were not addressed in the 2002 Master Plan. The Planning Board recommends that these uses be put through the same examination process that was used to determine appropriate lot sizes in locations that are not served by public water and sewer. This examination by the Planning Board and Township Committee resulted in a proposed ordinance, including revised definitions and standards for items such as wastewater discharge and water usage, traffic volumes and buffers.
- The Board and the Township were not successful in identifying and convincing the public on a receiving site for the Traditional Neighborhood Development (TND). The Master Plan makes several references to the TND being sited in the southern tier but circumstances indicate that it is unrealistic to think that the Board can move forward with this idea. The Board recommends that the overlay district on the Land Use Plan map be eliminated, as well as any specific mention of the proposed location of a TND. The concept of a TND should be retained, particularly as a desirable form for any community that is part of meeting COAH obligations.
- When the developments at Brandon Farms, Wellington Manor, Hopewell Grant, Hopewell Gardens, and the Hopewell Crossing Shopping Center are examined, the area constitutes a missed TND opportunity, although sidewalk, bike path and circulation improvements (roundabouts) have created a desirable living community

The Board recommends further improvements to the area to provide the missing links to enhance the area. These include a focus on recreation and open space opportunities in the area, a focus on housing opportunities that benefit the Township and are compatible with the area, the extension/completion of bike paths and sidewalks, the implementation of traffic safety improvements, and the determination of suitable uses for the remaining vacant land.

- The Open Space and Recreation Plan should be updated to add a revised map reflecting recent acquisitions and new recreation facilities in the Township.
- The Utilities Plan should be completed.
- The Township and Planning Board should address the adoption of the "green element" of the Master Plan that was added to the MLUL in 2008 as an optional Master Plan element. The work that the Township has accomplished through the preparation of a green/sustainable

# Hopewell Township 2009 Reexamination Report

## Adopted March 12, 2009

---

ordinance as part of an ANJEC grant provides a solid foundation for the preparation of this plan element.

- A Scenic Roads and Views study should be undertaken and the development regulations amended to reflect the outcome.
- 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, threatened and endangered plant and animal species and wetlands.
- The development regulations should be revised to address procedural issues and organizational problems.
- The Township's development regulations should continue to ensure that a range of residential opportunities is provided.
- The Planning Board should review whether cluster and open lands subdivisions in the VRC and MRC districts should be designated the principal permitted use, and conventional subdivisions only permitted as conditional uses when the other options are not practical.
- In 2008 the Township Committee introduced an ordinance prepared by the Agricultural Advisory Committee (AAC) concerning small-lot residential agriculture. The ordinance was reviewed by the Planning Board, which expressed several concerns regarding the intent and impact of the ordinance. The Board suggested further study.
- The Route 31 Design Study included many valuable recommendations concerning appropriate transportation improvements and design standards for this type of Main Street/highway corridor. The transportation improvements have been partially implemented, and the Township continues in a dialogue with the NJDOT to further address the safety concerns on Route 31. As to the design standards, the Board recommends that the standards be implemented through amendments to the zoning ordinance. The implementation of these standards also should involve Pennington Borough, as the Township and Borough share the gateway to the Hopewell Valley.
- There are several roads in the Township which include segments maintained by Mercer County and segments maintained by the Township. In the future the jurisdiction of these roads may change so that one governmental entity maintains the whole roadway. Should these jurisdictional adjustments occur, the Circulation Plan should be amended to address the change in jurisdiction.
- In December 2007 the Township prepared and submitted to the State Agricultural Development Committee (SADC) a revised Farmland Preservation Plan (FPP) element of the Master Plan to address new State guidelines and regulations. The SADC provided comments

# Hopewell Township 2009 Reexamination Report

## Adopted March 12, 2009

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suggesting revisions to the FPP. The Township and Planning Board should complete the FPP in case State funding is available for farmland preservation activities.

- The Planning Board reviewed the Stormwater Management Plan and stormwater management ordinance, as required by the MLUL, and recommends no changes at present. As more experience is gained with the implementation of the new stormwater management standards, revisions may be warranted.
- The Township's Zoning Board of Adjustment (ZBA) annually prepares a report to the Planning Board and Township Committee. This report includes valuable comments concerning the zoning ordinance based on the Board's experience with development applications.

The ZBA recommends that the ordinance be reorganized to clarify the distinction between design standards (which require waivers/exceptions) and zoning standards (which require a variance). An example of this is the standards for signs, which appear as a design standard but which actually are a zoning standard (the Planning Board also has dealt with this issue). The ZBA further recommends amendments to the grandfathering provision in the ordinance, as the Board has found that confusing and contradictory language has made the application of the grandfathering section difficult. The ZBA has provided specific language to address this concern.

In consultation with the ZBA the Zoning Officer also has provided comments on the zoning ordinance concerning deficiencies and problems with the ordinance. Among the items that should be addressed through zoning ordinance amendments are driveway setbacks from residential property lines; permits for temporary activities; standards for pods/pack-rats (storage containers); setbacks for detached and attached structures; location of solar panels, heat houses and windmills; impervious coverage standards as related to porous paving and patio systems with permeable pavers; patio setbacks; conflicts in the ordinance concerning stream corridors; yard requirements for accessory structures in nonresidential districts; and, outdoor displays.

- Given the fact that the Boroughs of Hopewell and Pennington are integral to the Township, and the Township to them, the 2007 Reexamination Report recommended increased coordination with the Boroughs. Services such as schools, police, emergency services, public works, recreation, and youth and senior activities already are shared by the municipalities. Land use planning issues, particularly as related to land use policies and design standards for Route 31, should also be conjunctively addressed by the municipalities.

The November 2008 HPE/FSP identified several properties for municipally sponsored, 100 percent affordable programs and/or supportive and special needs housing. The following tracts that the Township has acquired or is in the process of acquiring require new zoning and Master Plan designations.

# Hopewell Township 2009 Reexamination Report

## Adopted March 12, 2009

---

- Block 33, Lot 1.02 is a 25 acre parcel with frontage on Marshall's Corner-Woodsville Road, Pennington-Hopewell Road (County Route 654), and Route 31. The tract currently has an on-site wastewater treatment plant that could service up to 70 affordable units. The current Shopping Center zoning should be changed to a mixed-use zoning district.
- Block 88, Lot 5.02 is a 72 acre parcel located on Route 31 and the Denow Road extension. The Township purchased this property for approximately \$5.2 million, and is selling a 16 acre tract to Mercer County as open space for approximately \$1.25 million. The tract requires a contract from the Ewing Lawrence Sewerage Authority (ELSA) for sewer service and a permit from the DEP for access to Reed Road from Denow Road. The Township plans to construct approximately 180 affordable units on the tract, utilizing an experienced developer of affordable housing and subject to a forthcoming Request for Proposals. The current SI zoning should be revised to provide for a mixed-use district on the tract so that a variety of housing types and open space can be accommodated.
- Block 78, Lot 10.04 is a 22 acre parcel located on Denow Road east of Route 31. The Township is proposing to lease the land to Project Freedom for the development of approximately 70 affordable units, the majority of which will be for the developmentally disabled. The rear of the property is currently in a Highway Business Office district between residential uses to the north and east. This portion of the tract should be changed to a residential zoning district, consistent with the front of the property and adjoining uses. The tract currently has a sewage treatment allocation from ELSA.

**C. 40:55D-89e**      *“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 seq.) 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 Township has not adopted a redevelopment plan pursuant to the “Local Redevelopment and Housing Law”, and therefore the Planning Board does not need to comment on its incorporation into the Land Use Plan Element. However, in the future the Township may choose to adopt a redevelopment plan, in which case the Planning Board will make recommendations concerning the incorporation of a redevelopment plan(s) into the land use plan element of the master plan.