

Memorandum

To: Hopewell Township Committee
From: Hopewell Township Planning Board
Date: November 14, 2017
Subject: Consistency Review of rezoning ordinance for Block 78, Lot 17

The Township Committee has forwarded to the Planning Board an ordinance amending the Zoning Map and text to include a new Inclusionary Multi-family Zone (IMF-1) for Block 78, Lot 17 in place of the HBO Zone, which provides principally for retail and office uses. The redevelopment plan provides for inclusionary residential apartment and/or townhouse development.

The ordinance has been sent to the Board in accordance with the Board's *Referral Powers* under NJSA 40:55D-26 of the Municipal Land Use Law (MLUL). This section reads in pertinent part:

“40:55D-26 Referral powers.

a. Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions of the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate. The governing body, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the planning board and may disapprove or change any recommendations by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations

Intent of the Master Plan

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.*

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.*

In addition to the above facts and reasons, the following objectives of the MLUL (NJSA 40:55D-2), which are objectives of the Hopewell Township Master Plan, are also advanced by this ordinance. The Purposes are identified by *italics*, with commentary in regular font below:

- 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.*

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.*

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 expenditure of public funds by the coordination of public development with land use policies*

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*

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*

The procedure followed in developing the proposed ordinance combines public and private procedures that result in an efficient use of land.

Consistency with Hopewell Township Master Plan

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 housing within the HBO zone is *inconsistent* with the non-residential land uses programmed for this site in the Land Use Plan.

Planning Board Recommendation

Notwithstanding this inconsistency, the Planning Board recommends that the Township Committee adopt the proposed ordinance, considering the following facts and reasons:

1. The proposed ordinance improves the balance of land uses sought in the Master Plan.
2. The proposed development contemplated by the proposed zoning standards should result in a compact building layout and design.
3. 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.

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 property affected by the ordinance. Thus, the Board recommends adoption of the ordinance.