

**HOPEWELL TOWNSHIP
SPECIAL PLANNING BOARD MINUTES
November 15, 2017**

A special meeting of the Hopewell Township Planning Board was held in the Hopewell Township Municipal Building Auditorium at 7:00 p.m. on Wednesday, November 15, 2017.

Ms. Murphy, Chairperson, called the meeting to order at 7:18 p.m. She stated that notice of the meeting was posted in the Municipal Building and had been forwarded to the Hopewell Valley News, The Times of Trenton, The Trentonian and the Hopewell Express in compliance with the Open Public Meetings Act.

Members present: Karen Murphy, Chairperson, Jack Belmont, Lawrence R. Clarke, Paul Kiss, Rex Parker, Russell Swanson, Milind Khare (excused 7:25 p.m.) and Courtney Peters-Manning. Also present: Paul Pogorzelski, PE, Township Administrator/Engineer, Frank Banisch, Planner, Frank Linnus, Esq., Mark Kataryniak, PE, Community Development Director and Linda Barbieri, Recording Secretary. Absent: Julie Blake and Kevin Kuchinski.

Mr. Linnus explained the four items on tonight's agenda are ordinances that have been introduced by the Township Committee, including the redevelopment plans, which must be adopted by ordinance. The Township Committee has introduced each ordinance at a "First Reading," and the ordinance is then referred to the Planning Board who will make a determination as to whether the proposed ordinance is consistent or inconsistent with the Township's Master Plan. The Board may also make recommendations to the Township Committee. The public hearing on the ordinances will take place before the Township Committee; Mr. Linnus stated it was his understanding that the public hearing would take place on November 27, 2017.

Mr. Linnus further explained that should the Board make a determination that any ordinances are inconsistent with the Master Plan, the Township Committee, should they wish to adopt the ordinance, must adopt by a super-majority rather than a simple majority. The Township Committee must also place on the record the reasons they are adopting an ordinance.

Ordinances Referred By Township Committee

AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE AREA IN NEED OF REDEVELOPMENT PLAN FOR BLOCK 91, LOTS 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 AND 3.961 AND BLOCK 93, LOTS 3.01, 5.01 AND 6.01 (CF HOPEWELL) IN ACCORDANCE WITH N.J.S.A. 40A:12A-7 AND AMENDING CHAPTER XVII, "LAND USE AND DEVELOPMENT," ARTICLE VIII, "ZONING-GENERAL PROVISIONS," SECTION 17-138.b, "ZONING DISTRICTS" TO ADD

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SUB-PARAGRAPH 20 TO THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL

Ms. Murphy stated the Planning Board did not develop the Redevelopment Plan, but as members of the public have the ability to attend the November 27, 2017 Township Committee meeting to identify any changes they would like to see included in the Plan.

Mr. Khare recused himself from the proceedings.

Mr. Banisch reviewed the memorandum entitled, "Consistency Review of Redevelopment Plan for Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 and Block 93, Lots 3.01, 5.01 and 6.01," dated November 14, 2017, hereby attached and made a part of these minutes.

Ms. Murphy asked for questions or comments from the public.

Harvey Lester, a Township resident, stated if this ordinance is inconsistent with the Master Plan, the Planning Board has a duty to reject the ordinance.

Mr. Linnus stated that from a legal prospective, that is not the responsibility of the Planning Board. The Planning Board can make a determination that the ordinance is inconsistent; however, they are not voting on the ordinance. The Board is making a determination based on the evidence as to whether the ordinance is consistent or inconsistent with the Master Plan. This determination does not mean that they cannot recommend or not recommend with respect to the substance of the ordinance in question.

Janine Bauer, Esq., Szaferman Lakind, representing Deer Valley Realty, LLC (Deer Valley), stated that including her client's property in the Plan offers a better planning arrangement than the Plan that has been prepared. Referring to the objectives of the Municipal Land Use Law (MLUL) NJSA 40:55D-2, items a., d., f., i., and m., referenced in the memorandum, she stated the proposed development was being formed at the interchange of an interstate highway; the Deer Valley parcel is located at the interchange of Scotch Road and Interstate 95. In addition, the sewer service area would need to be extended, but the Deer Valley property is being overlooked for purposes of infrastructure (sewer, water, etc.) She commented that the Deer Valley parcel has fewer environmental constraints and could more readily be built upon as it lacks the NJDEP (New Jersey Department of Environmental Protection) permitting requirements. Therefore, for all of the reasons the memorandum speaks to, the Deer Valley parcels can serve the objectives of the MLUL; particularly, more efficient use of land, compact development

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formed at the interchange, and no use of public money or extension of public infrastructure. It was her opinion that it would be much more sensible to develop the Deer Valley property. She commented that the entire proposed long-term development could not be achieved on only the Deer Valley parcel, but to overlook that parcel and then justify the parcels chosen according to the particular objectives of the MLUL did not make sense and further points out the inconsistency with the Master Plan.

Melanie Phillips, a Township resident, questioned why the Board would consider recommending a Plan that was not consistent with the Master Plan. She commented that the development would be crammed into one section of the Township, which is going to have a huge impact on residents. She stated it was unfair to those who live in this area.

There was no further public comment.

The Board 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

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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

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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, based on the following findings of the Planning Board:
 - The proposed ordinance improves the 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 housing and mixed uses will diversify the employment node at Scotch Road and improve its long term viability.
 - 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 and concludes 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 and therefore recommends adoption of the ordinance.

Notwithstanding the above findings, each member of the Planning Board reserves the right to present recommendations to the Township

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Committee relating to the Redevelopment Plan as an individual and interested party.

Mr. Swanson moved and Mr. Belmont seconded a motion recommending that the Ordinance and Plan entitled "Redevelopment Plan for Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95, 3.961 and Block 93, Lots 3.01, 5.01, 6.01, Hopewell Township Mercer County dated November 2017" prepared by the Hopewell Township Committee with assistance from Banisch Associates, Inc., hereby attached and made a part of these minutes, be adopted by the Township Committee. It was voted on and passed.

Roll Call Vote:

Ayes:	Belmont, Kiss, Murphy, Parker, Swanson, Peters-Manning
Nays:	Clarke
Abstain:	None
Absent:	Blake, Kuchinski, Khare
Not Voting:	None

ORDINANCE OF THE TOWNSHIP OF HOPEWELL AMENDING CHAPTER XVII OF THE CODE OF THE TOWNSHIP OF HOPEWELL ENTITLED THE HOPEWELL TOWNSHIP "LAND USE AND DEVELOPMENT ORDINANCE" (BRISTOL-MYERS SQUIBB)

Mr. Banisch reviewed the memorandum entitled, "Consistency Review of Ordinance Amending the (R0) Research Office Zones to permit inclusionary residential development," dated November 14, 2017, which is hereby attached and made a part of these minutes.

Ms. Murphy asked for questions or comments from the public.

Janine Bauer, Esq., Szaferman Lakind, representing Deer Valley Realty, LLC, asked that the Board recognize the comments she made during the previous ordinance review without restating all of them; in particular, the suitability of the Deer Valley tract, and noted that they would also apply to the "Zaitz" parcel (Block 85, Lot 3), referenced in the ordinance as receiving an additional 30 affordable units only if affordable units are not constructed on R0-1 zoned lands, although the location is not at the interchange.

Mike Pisauro, Policy Director, Stony Brook-Millstone Watershed Association, commented that the Township purchased the "Zaitz" tract and extended public funds to reserve sewer capacity for the construction of 180 affordable housing units. Because the Zaitz tract now will not have those 180 affordable housing units, the Township is parceling out a portion of those affordable housing units and compounding the issue of additional development. He

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stated that the environment, including streams, forests and wetlands are protected because they provide a benefit, which the Master Plan recognizes; building such densities anywhere in this community is a disservice. He questioned why the ordinance recognizes a maximum tract size of 50 acres; he commented that the maximum tract size should be removed. He noted that the ordinance supports development "inside the ring road" unless there are environmental or planning considerations otherwise. It was his feeling that the maximum of 50 acres could not be achieved without going "outside the ring road" or demolishing existing buildings. He urged that development not occur "outside the ring road" and recommended that the ordinance be revised to indicate this requirement; compact development should only be located "inside the ring road."

Harvey Lester, a Township resident, stated he would argue that the Board's constitutional obligation is not affordable housing, but is to be the creator and protector of the Master Plan and the Board was not protecting the Master Plan. It was his feeling that the Board should reject the concept of inconsistency with the Master Plan and request that the word "technically," which precedes the word inconsistent in the memorandum, be removed as the word inconsistent speaks for itself as not consistent.

There was no further public comment.

Ms. Murphy noted that the Board should not be making recommendations to the Township Committee with respect to changing or adding parcels for development; the Township Committee has chosen the sites to be developed. She questioned why the Board would consider additional development on other parcels when the development could be achieved on the parcels that are already part of the Plan prepared by the Township Committee.

Ms. Murphy stated that the Friends of Hopewell Valley Open Space (FOHVOS) requested that a maximum tract size of 50 acres be included in the ordinance; removing the maximum tract size would result in an unlimited maximum.

Mr. Pogorzelski explained that the ordinance creates a conditional use for the site; unlike a permitted use, a conditional use application is reviewed by the Planning Board provided the application complies with all of the conditions of the conditional use. The ordinance states that residential uses shall be located inside the existing ring road; the developer has an obligation should they choose to develop outside of the ring road, to meet the conditions of that conditional use. The Board has the ability to decide if that warrants approval; if the Board decides that it is

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not an appropriate plan the applicant would appear before the Zoning Board for a different type of application.

Several Board members noted that the Master Plan is not intended to be a rigid document enforced by the Planning Board, but rather a living document that is examined and evaluated periodically.

The Board 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

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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

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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 R0-1 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, based on the following findings of the Planning Board:
 - 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 and concludes 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 and therefore recommends adoption of the ordinance.

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

Mr. Kiss moved and Mr. Swanson seconded a motion recommending adoption of the ordinance by the Township Committee. It was voted on and passed.

Roll Call Vote:

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Ayes: Belmont, Kiss, Murphy, Parker, Swanson, Peters-Manning
Nays: Clarke
Abstain: None
Absent: Blake, Kuchinski, Khare
Not Voting: None

AN ORDINANCE AMENDING VARIOUS ZONING PROVISIONS OF CHAPTER XVII, LAND USE AND DEVELOPMENT, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL (1978)(Enourato)

The Board discussed the Banisch memorandum entitled, "Consistency Review of Rezoning Ordinance for Block 78, Lot 17," dated November 14, 2017, which is hereby attached and made a part of these minutes.

Ms. Murphy asked for questions or comments from the public.

Janine Bauer, Esq., Szaferman Lakind, representing Deer Valley Realty, LLC, asked that the Board recognize the comments she made previously, incorporated by reference, without restating all of them.

Jim Gambino, a Township resident, commented that the parcel may be all wetlands and may not be able to be built upon.

There was no further public comment.

The Board 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,

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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.

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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 HBO (Highway Business and Office) 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, based on the following findings of the Planning Board:
 - The proposed ordinance improves the 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.
 - 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 and concludes 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

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provides a reasonable planning option for the property affected by the ordinance and therefore recommends adoption of the ordinance.

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

Mr. Swanson moved and Mr. Belmont seconded a motion recommending adoption of the ordinance by the Township Committee. It was voted on and passed.

Roll Call Vote:

Ayes:	Belmont, Kiss, Murphy, Parker, Swanson, Peters-Manning
Nays:	Clarke
Abstain:	None
Absent:	Blake, Kuchinski, Khare
Not Voting:	None

AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE AREA IN NEED OF REDEVELOPMENT PLAN FOR BLOCK 85, LOTS 3, 4, 5.01, 7 AND 24 (ZAITZ) IN ACCORDANCE WITH N.J.S.A. 40A: 12A-7 AND AMENDING CHAPTER XVII, "LAND USE AND DEVELOPMENT," ARTICLE VIII, "ZONING-GENERAL PROVISIONS," SECTION 17-138.b, "ZONING DISTRICTS" TO ADD SUB-PARAGRAPH 20 TO THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL)

The Board discussed Mr. Banisch's memorandum entitled, "Consistency Review of Redevelopment Plan for Block 85, Lots 3, 4, 5.01, 7 and 24," dated November 14, 2017, which is hereby attached and made a part of these minutes.

The Board reviewed the redevelopment plan that was referred to them as part of the ordinance entitled, "Redevelopment Plan for Block 85, Lots 3, 4, 5.01, 7 and 24, dated November 2017, which is hereby attached and made a part of these minutes.

It was noted that the ordinance establishes two new zones, Inclusionary Multi-Family (IMF-X) Zone, which replaces the R-100 Single-Family Residential Zone and the C-1-A Retail Service Zone in place of the C-1 Zone. The IMF-X Zone provides for inclusionary multi-family development of the Zaitz Tract, which the Township purchased for affordable housing purposes. The C-1-A Zone permits retail and service uses, not unlike those currently permitted. Thus, the C-1-A Zone is substantially consistent with the current C-

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1 Zone designation in the Master Plan; the IMF-X Zone is inconsistent.

Ms. Murphy asked for questions or comments from the public.

Janine Bauer, Esq., Szaferman Lakind, representing Deer Valley Realty, LLC, asked that the Board recognize the comments she made previously, incorporated by reference, without having to restate them. She added that the housing proposed for the Zaitz parcel is compact and intersects with the Route 31 (Pennington) Circle, which is similar to what her client is trying to achieve on the Deer Valley parcel located at the intersection of Scotch Road and Interstate 95. She reiterated that good planning would seem to dictate not discounting the Deer Valley parcel.

Mike Pisauro, Policy Director, Stony Brook-Millstone Watershed Association, commented that the Zaitz tract was purchased with the intent to construct 180 affordable housing units; 78 affordable units are now being proposed. Locating affordable housing on the Zaitz tract is consistent with the Master Plan, but it is inconsistent with the Township's original plan for the property when it was purchased. He reiterated that spreading development over numerous sites will have an impact on streams, wetlands and forests.

Melanie Phillips, A Township resident, stated that the Zaitz tract was purchased for affordable housing. A community center and retail uses should not be considered for the site.

There was no further public comment.

The Board 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.

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- 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.

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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 housing within the R-100 Single-Family zone is inconsistent with the residential 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, based on the following findings of the Planning Board:
- The Property was acquired to assist the Township in addressing the constitutional affordable housing obligation.
 - The proposed ordinance improves the 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 proposed rezoning will advance the goal of diversifying the housing stock and providing affordable housing to meet the constitutional obligation.

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6. For all of the above reasons, the Planning Board finds and concludes 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 and therefore recommends adoption of the ordinance.

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.

Mr. Swanson moved and Mr. Kiss seconded a motion recommending that the ordinance and Plan be adopted by the Township Committee with the following revisions: 1) Revise the zone name from IMF-X to IMF-1; 2) add Figure 4 and Figure 5 referenced in the Plan. It was voted on and passed.

Roll Call Vote:

Ayes:	Belmont, Kiss, Murphy, Parker, Swanson, Peters-Manning
Nays:	Clarke
Abstain:	None
Absent:	Blake, Kuchinski, Khare
Not Voting:	None

Resolution Referred By Township Committee

Resolution #17-367 Authorizing and Directing the Hopewell Township Planning Board to undertake an Investigation of a Certain Property in the Township to determine whether the property constitutes a Redevelopment Area pursuant to the New Jersey Local Redevelopment and Housing Law

Mr. Pogorzelski stated Lot 5.02 in Block 93 is a 5-acre tract located on the west side of Scotch Road, owned by Hopewell Township, and as a part of the two lots that are being conveyed to CF Hopewell to be used for the production of affordable housing, will need to be included in the redevelopment plan. The lot was not included in the original request from the Township Committee and as a result it was not included in the current redevelopment plan. In order for it to be included in the redevelopment plan, the Board will need to complete the process of determining whether the property qualifies as an area in need of redevelopment. Should the Township Committee agree, they would adopt a resolution confirming that determination

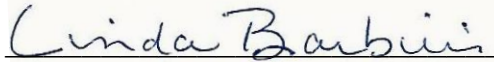
HOPEWELL TOWNSHIP
SPECIAL PLANNING BOARD MINUTES

and then follow-up with an ordinance that would amend the redevelopment plan that we reviewed this evening. Mr. Pogorzelski stated that this is integral to the settlement with a timeline for completion by December 7, 2017, at which time a public hearing will be held at the regular Planning Board meeting.

There was no public comment.

There being no further business, the meeting was adjourned at 9:11 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Linda Barbieri", is written over a light yellow rectangular background.

Linda Barbieri
Recording Secretary

The audio recording of this meeting can be accessed here:
<http://hopewelltpw.org/DocumentCenter/View/2467>

Memorandum

To: Hopewell Township Committee
From: Hopewell Township Planning Board
Date: November 14, 2017
Subject: Consistency Review of Redevelopment Plan for Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 and Block 93, Lots 3.01, 5.01 and 6.01

The Township Committee has forwarded to the Planning Board a Redevelopment Plan amending the OP zones to permit inclusionary residential development. The redevelopment plan provides for mixed use and inclusionary residential development including a continuing care retirement community.

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 apartments within the OP 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. The housing and mixed uses will diversify the employment node at Scotch Road and improve its long term viability.
4. 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.

Redevelopment Plan

for

Block 91

Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961

and

Block 93

Lots 3.01, 5.01 and 6.01

Hopewell Township
Mercer County

November 2017

Prepared by:
Hopewell Township Committee
With Assistance from:
Banisch Associates, Inc.

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1. INTRODUCTION

1.1 BASIS FOR THE PLAN

This Redevelopment Plan has been prepared pursuant to New Jersey's Local Redevelopment and Housing Law (LRHL) for Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 in Block 91 and Lots 3.01, 5.01 and 6.01 in Block 93, referred to herein as the "Redevelopment Area" (see Figure 1 – Aerial Photo of Redevelopment Area).

Hopewell Township occupies the northwest corner of Mercer County. Regional highway access to the township is via I-95, which traverses the Township's southern boundary. The subject property is located in the southwestern portion of the Township just north of I-95. This redevelopment area straddles the east and west sides of Scotch Road and consists of approximately 350 acres. The Redevelopment Area includes property that has received prior General Development Plan approvals permitting a total of 3,800,000 square feet of Class A office. The present zoning of the redevelopment area is single-family detached homes and office park development.

The redevelopment area has been included as a compliance site in a settlement agreement with Fair Share Housing Center (FSHC) and is an integral part of the Township's plan to address its 1999 – 2025 housing obligation.

A settlement agreement with CF Hopewell CC&L, LLC (CF) provides for the development of this property with a phased, mixed use inclusionary community of not more than 2,200 homes, up to 100,000 square feet of retail and office space and a continuing care retirement community with up to 500 senior living units and/or assisted living beds. As an inclusionary development, the Redevelopment Area will include a 20% set aside of all residential units (up to 465 units) that will be affordable to very low, low and moderate income households. Of this total, at least 185 of the affordable units will be family rentals and at least 13% will be very low-income units. Age-restricted units are permitted with a township-wide cap of 25%.

Hopewell Township Committee Resolution No. 17-173, directed the Hopewell Township Planning Board to determine if the subject property qualified as a non-condemnation area in need of redevelopment. The Planning Board recommended that the site be determined an area in need of redevelopment, pursuant to a July 2017 Preliminary Investigation Report and the Township Committee concurred (Resolution No. 17-297). This Redevelopment Plan has been prepared at the direction of the Hopewell Township Committee.

1.2 REDEVELOPMENT PLANNING PROCESS

The LRHL details the process that a municipality must follow to utilize the State's redevelopment powers. The adoption of a redevelopment plan is a precondition for the use

of these powers, which permit municipalities to plan and zone in a manner that can remedy the blighting effects of underperforming, outdated or obsolete land uses and structures.

After adoption of a redevelopment plan, the municipality may:

- Negotiate and collect revenues from a redeveloper to defray the costs of the redevelopment entity
- Clear any area owned or acquired and install, construct or reconstruct public infrastructure essential to the preparation of sites for use in accordance with the redevelopment plan.
- Contract for professional services.
- Contract with public agencies or redevelopers for the undertaking of any project or redevelopment work.
- Lease or convey property or improvements to any party without public bidding.

According to the Local Redevelopment and Housing Law (NJSA 40A: 12A-1, et seq.), the Redevelopment Plan shall include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definitive local objectives, including appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements;
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area;
4. Identification of properties to be acquired, if any;
5. Any significant relationship of the Redevelopment Plan to the Master Plans of contiguous municipalities, the County and the State Development and Redevelopment Plan;
6. Enumeration of deed-restricted affordable units in the redevelopment area and their disposition.

Redevelopment Planning Process In New Jersey NJ.S.A. 40A:12A-1 et seq.

4. Planning Board completes the public hearing and recommends to governing body whether to designate all or part of study area as an area in need of redevelopment

1. Governing Body by resolution directs the Planning Board to undertake a preliminary investigation of whether an area meets redevelopment criteria and to conduct a public hearing

5. Governing Body, if in agreement with Planning Board recommendation, adopts a binding resolution designating all or part of a proposed area as a redevelopment area

2. Planning Board examines the study area and maps the boundaries of proposed redevelopment area(s) along with the basis for the investigation

6. Governing Body authorizes preparation of a redevelopment plan

3. Planning Board sets a date for a public hearing and gives public notice describing the boundaries of the area, and where the map is available for public inspection

7. Planning Board reviews the redevelopment plan for consistency with Master Plan

8. Governing Body holds a public hearing and adopts the Redevelopment Plan by Ordinance

1.3 OVERVIEW OF EXISTING SITE CONDITIONS

Exhibit 1 is an aerial photograph of the redevelopment area and Exhibit 2 includes excerpts from the Hopewell Township Tax Maps indicating the subject properties.

The redevelopment area on the east side of Scotch Road includes Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961. These lots are included in General Development Plans that provide for the development of 3,300,000 square feet of Class A office development:

Block 91, Lots 3.14 and 3.22 are currently vacant or primarily undeveloped farmland.

Block 91, Lots 3.11, 3.95, 3.181 and 3.19 are vacant land and adjoin existing developed portions of the former Merrill Lynch campus. All lots have access from the internal private road network. Lot 3.181 has frontage Scotch Road with access to a signalized intersection.

Block 91, Lot 3.14 is the site of a one-story building referred to as the "hut" (maintenance facility) and Lot 3.22 is improved with parking and recreational courts.

Block 91, Lot 3.961 is the Capital Health complex situate in the southeastern corner of the area. This complex is adjacent to I-95 and the CSX railroad. The northern and western portions of the lot are undeveloped with Scotch Road frontage at a signalized intersection.

The redevelopment area on the west side of Scotch Road includes Block 93, Lots 3.01, 5.01, and 6.01:

Lot 3.01 is currently active agricultural areas and wooded stream corridors. This lot includes dwellings and an equestrian facility.

Lot 5.01 is currently active agricultural use and designated for affordable housing.

Lot 6.01 is currently a mixture of active agricultural areas and wooded stream corridors. Lot 6.01 includes an extensive wooded area roughly 1,000 feet deep along its westerly boundary providing a unique natural buffer between any development on Lot 6.01 and the existing single family residential neighborhood to the west. Lot 6.01 is part of an approved General Development Plan that permits up to 1,000,000 square feet of Class A office on this lot.

Scotch Road is a county-owned four-lane divided highway that spans the distance between I-95 and County Route 546. Merrill Lynch improved this roadway during its initial campus construction to accommodate the approved 3,800,000 square foot Class A office development planned to be constructed on both the east and west sides of Scotch Road.

Exhibit 3 depicts the land cover character of the study area and Exhibit 4 illustrates the property tax class for each parcel in the Scotch Road study area.

In addition to the regionally significant office and medical facilities along Scotch Road, a ribbon of residential development, on lots of varying sizes, spans the frontage of Nursery Road near the interchange. Limited residential development also occupies a small portion of the frontage of Scotch Road.

Beyond the lands east of the dualized portions of Scotch Road, the Township is generally rural in character with low density and medium density residential neighborhoods to the north and west.

1.4 OVERVIEW OF REDEVELOPMENT PLAN

This Redevelopment Plan creates a mixed-use inclusionary housing zone that advances local community planning objectives related to the provision of affordable housing as part of a balanced housing plan. This redevelopment plan is located in a sector of Hopewell Township adjacent to major transportation infrastructure and utilities where intense office development is presently permitted. This unique location concentrates development within an existing development corridor and avoids the need to utilize other less developed and more environmentally sensitive areas of the Township for housing production. This location provides for mass transit opportunities and the reduction of carbon footprint by creating “live-work” opportunities through less reliance upon the automobile.

The Inclusionary Planned Development Zones respond to the terms of a Settlement Agreement between CF Hopewell and Hopewell Township. This agreement requires that the Redevelopment Area will include a 20% set aside of all residential units (up to 465 units) that will be affordable to very low, low and moderate income households. Of this total, at least 185 of the affordable units will be family rentals and at least 13% will be very low-income units. Age-restricted units are permitted with a township-wide cap of 25%.

2. CONTEXT, GOALS AND VISION

2.1 CONTEXT

The 2009 Hopewell Township Land Use Plan echoes the goals, objectives and policies of the 2002 Hopewell Township Master Plan. In both Land Use Plans the redevelopment area on the east side of Scotch Road is located within Office Park District and the redevelopment area on the west of Scotch Road is partly within the Office Park district and partly within the Valley Resource Conservation District. In December 2016, a Master Plan revision was adopted for the redevelopment area on the east side of Scotch Road, which added Affordable Housing and Continuing Care as additional permitted uses.

In 2008, Hopewell Township adopted a Housing Plan in response to the then required Round 3 Affordable Housing Rules. Round 3 rules were dissolved by the court and until present, there has been no guidance for Round 3 compliance. Hopewell Township has received approval from the Court of a settlement of litigation for affordable housing for its Round 3 obligation (1999-2025). This settlement provides for inclusionary development with up to 465 affordable units and/or assisted living beds on those lots located within the redevelopment area. The redevelopment area is well-situated to provide for inclusionary residential development, having sufficient developable land to accommodate the development, access to all necessary infrastructure and unparalleled regional highway access.

This Plan establishes the vision for redevelopment of the property and identifies opportunities and constraints specific to the site. It also identifies the intended future uses, their arrangement and design and method of implementation of the plan.

2.2 GOALS & OBJECTIVES

This redevelopment plan is located in a sector of Hopewell Township adjacent to major transportation infrastructure and utilities where intense office development is presently permitted. This unique location concentrates development within an existing development corridor and avoids the need to utilize other less developed and more environmentally sensitive areas of the Township for housing production. This location provides for mass transit opportunities and the reduction of carbon footprint by creating “live-work” opportunities through less reliance upon the automobile.

This redevelopment plan provides a comprehensive strategy to address the Township’s affordable housing obligation. This plan aims to:

- Provide affordable housing within a mixed use planned neighborhood including higher-density inclusionary housing at the site.
- Advance Hopewell’s long-standing goal to provide a wider variety of housing types and opportunities within the Township.
- Lay out a vision for redevelopment that incorporates strategies to create a “sense of place” in the redevelopment area.
- Guide redevelopment to protect, to the greatest extent practicable, important environmental features including groundwater recharge.
- Create new housing opportunities that will be desirable and marketable.
- Protect and enhance the character of surrounding areas of Hopewell Township by preserving key natural buffers to adjacent neighborhoods, protecting existing view sheds to the north, providing a network of trails that will connect neighborhoods to each other and to nearby existing municipal parks and facilities.
- Encourage aesthetically pleasing architectural design, layout and finishes.
- Examine planning documents from surrounding municipalities, Mercer County and NJ SDRP for consistency.

2.3 VISION

There is an increasing demand for alternatives to single family dwellings on individual lots. Situated in the heart of a significant regional employment node, mixed use development in the redevelopment area will provide dining, shopping and recreational opportunities along with vibrant residential neighborhoods of varied housing types that will appeal to households of varying sizes, ages, and income levels.

A. These new neighborhoods are conceived as having a health and wellness focus and will address the housing needs of millennials, aging baby boomers, professionals and young families. Walkable neighborhoods and an engaging landscape will help to promote active lifestyles and attract a full range of housing types, including continuing care. The neighborhoods will be arranged to maximize connectivity and are to be based upon the following design concepts to create a vital and walkable place that:

- is compact;
- is designed for the human scale with buildings placed closer to the street and a variety of gathering places.
- provides a mix of uses, including residential, commercial, civic green spaces in close within the neighborhood;
- provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
- incorporates environmental features into the design;

Amenities including recreational buildings, clubhouses, tot lots, barbeque patios and other common areas are to be connected with pathways to promote walking and bicycling between neighborhoods and beyond the site to nearby public parks and municipal facilities.

With a focus on design that promotes the health, happiness and wellbeing of residents, this plan puts a special emphasis on human-scale streetscape elements (such as benches and streetlights) and landscaping that incorporates native plants, trees and shrubs.

2.4 REDEVELOPMENT PLAN'S RELATIONSHIP TO HOPEWELL TOWNSHIP MASTER PLAN

Hopewell Township has spent the past several years examining opportunities for affordable housing to address its constitutional fair share obligation. Primary among the Township's objectives has been the identification of realistic opportunities for the creation of affordable housing. Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 in Block 91 and Lots 3.01, 5.01 and 6.01 in Block 93, have been found to provide such opportunity through inclusionary mixed use development.

The 2009 Hopewell Township Land Use Plan echoes the goals, objectives and policies of the 2002 Hopewell Township Master Plan. This Redevelopment Plan is consistent with the following basic principles of the 2002 Master Plan ("a" thru "k") and its goals and objectives:

- a. *A variety of housing and a balance of opportunities to live, work and play in safe and attractive surroundings should be provided in part by identifying locations and developing criteria for mixed use development.*

Rationale: The rezoning of this site will expand and diversify the local housing stock and will assist low and moderate-income households in finding decent, safe, affordable housing. It will also assist young people and older households looking to live in a high-quality community with upscale amenities.

- b. *An efficient circulation system that promotes important circulation linkages, retains the character of the rural road network and provides for safe vehicular, pedestrian, equestrian and bicycle movements should be maintained.*

Rationale: The subject property is located within one mile of the Scotch Road interchange with I-95, permits full access to and from Interstate 95. The redevelopment of the subject property takes advantage of the existing highway system and will allow people to travel to and from the area with limited impacts to local rural roads. A network of pedestrian and bicycle pathways and trails connecting neighborhoods to each other and to nearby existing public parks and municipal facilities will be incorporated. Mass transit opportunities are also part of long range planning for this area of the township.

- c. *Farmland and open lands should be retained and the impacts of development should be limited throughout the valley and mountain areas in part by allowing the use of techniques to encourage development*

Rationale: Portions of the subject property within the Valley Resource Conservation District that are actively farmed will continue to be available for agricultural use. The location of this redevelopment area allows the concentration of development within an existing development corridor and avoids the need to utilize other less developed and more environmentally sensitive areas of the Township. Wooded areas and stream corridors will be protected from development.

- d. *To protect the rural character and unique sense of place of the Township.*

Rationale: Concentration of housing within this redevelopment area will reduce development pressures in other more rural and environmentally sensitive areas of the Township. The redevelopment area preserves most of the woodland west of Scotch Road as a natural buffer to the residential neighborhood to the west. Surrounding land to the north will also be preserved protecting the vista between Co. Rt. 546 south to the redevelopment area helping to retain the rural aspect of this scenic corridor.

- e. *To promote the goals and objectives of Hopewell Township through the incorporation of local policies and strategies that respond to the basic premises, intent and purposes*

of the State Development and Redevelopment Plan and the Mercer County Master Plan.

Rationale: Pursuant to the settlement agreement between Hopewell Township and FSHC, the subject property will be an integral part of the Township's response to its affordable housing obligation. The State Planning Commission has placed the site in Planning Areas 2 and 3, an area in which the State Development and Redevelopment Plan (SDRP) encourages growth and the production of inclusionary development. The Mercer County Master Plan supports the goals and objectives of the SDRP. More information about how this Redevelopment Plan relates to the SDRP and Mercer County's Master Plan can be found in section 6, Plan Consistency Review.

- f. To continue and expand upon land use policies that promote controlled development at suitable locations and appropriate intensities by directing and limiting the more intense development to areas where sanitary sewer service and public water supplies exist or are planned, and by discouraging the extension of growth-inducing infrastructure into rural areas.*

Rationale: The SDRP locates the portion of the redevelopment area east of Scotch Road within the Suburban Planning Area (PA-2), where infrastructure exists and growth is encouraged. The area west of Scotch Road is in the Fringe Planning Area (PA-3) intended to accommodate growth in the future.

The site is particularly appropriate for higher density housing due to:

- proximity to Interstate 95
- the ability to provide public water and sewer to the site (most land located within ELSA sewer service area)

- g. 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.*

Rationale: Over the past 40 years, household sizes have been steadily decreasing, while there has been an increase in the percentage of older households. The demographic trends indicate that virtually all of New Jersey's growth over the next 20 years will be in smaller households that are under 35 and over 55. These are households that need smaller housing units and that tend to rent, and demographers that study changes in household formation on housing demand project a strong increase in demand for rental housing.

Regarding the younger households, the Joint Center for Housing Studies at Harvard University concludes:

Meanwhile, the aging of the millennial generation over the coming decade will lift the number of households in their 30s by 2.4–3.0 million, depending

on immigration trends. But these numbers vastly understate the impact of this group on housing demand since they will account for most newly formed households in the coming decade. Indeed, the millennials will make up fully 24 million new households between 2015 and 2025, *thus driving up demand for rentals and starter homes.*¹ (emphasis provided)

In addition, the Joint Center for Housing Studies at Harvard University notes the following national trend regarding rentals:

Two broad trends will drive future growth in renters: the imminent surge in the number of older households and the increasing racial/ethnic diversity of younger age groups. Over the coming decade, the number of renters aged 65 and older is projected to rise by about 2.2 million and account for roughly half of all renter growth. *The aging of the population also means that the share of renters that are single persons or married couples without children will soar.*

The redevelopment at the subject property thus responds not only to a wide range of incomes, but also to the varying household size and age characteristics, and emerging demographic trends that will continue to impact the Township and the region.

- h. 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.*

Rationale: The redevelopment of the subject property is an integral part of a settlement to address the Township's round three fair share obligation. It is located close to Interstate 95 and in the heart of a regional employment node with major highway access to an even wider range of regional employment opportunities.

- i. 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.*

Rationale: The varied housing types proposed within the redevelopment area will expand the range and diversity of Hopewell's housing supply. The subject property lies within the ELSA sewer service area.

¹ State of the Nation's Housing, 2014, page 16.

- j. *To establish transportation policies and programs that improve connections among housing, employment and commercial uses, including provisions for vehicular and pedestrian travel and bicycle paths.*

Rationale: The subject property is consistent with this goal in that the housing has a direct access to employment and commercial opportunities through its location adjacent to the Merrill Lynch campus and very close to the Interstate 95 interchange. Pedestrian and bicycle circulation systems will be incorporated in the design to connect open spaces, municipal facilities and common areas.

- k. *To control development in rural areas so that traffic will not exceed the capacity of the existing rural road network and historic bridges to provide safe, efficient and convenient traffic movements based on rural road service standards designed to minimize the character of the community.*

Rationale: Scotch Road and its interchange with Interstate 95 were designed and constructed to accommodate millions of square feet of research and office development. With less than one third of the potential office floor area developed to date and little demonstrated demand for additional office space at this location, substantial traffic carrying capacity exists within this redevelopment area. Traffic signals control key access points to the Scotch Road. The use of the subject property for higher density affordable housing and commercial uses concentrate these traffic generators close to arterial highways and away from the more rural parts of Hopewell Township.

The spirit of Hopewell Township's Master Plan goals and objectives has served to guide this Redevelopment Plan, ensuring it promotes the Township's long-standing goals and objectives, and that the resulting redevelopment will harmonize with established nearby neighborhoods and preserve the high quality of life in Hopewell.

3. LAND USE AND BUILDING REQUIREMENTS

This Redevelopment Plan shall supersede Hopewell's Land Use and Management Ordinance (Chapter 17) in the event of conflict. The general standards set forth in the Hopewell Township Land Use Ordinance shall continue to apply except when inconsistent with the standards set forth in this Redevelopment Plan.

This Redevelopment Plan provides for the development of mixed-use and multi-family residential inclusionary neighborhoods containing up to 465 affordable units, of which at least 185 shall be family rental units.

- 3.1 **REDEVELOPMENT AREA ZONES** - The redevelopment area is divided into the following zones:

Block 93 Lots 3.01, 5.01 and 6.01 –Inclusionary Planned Development 1 - Mixed-use center.

Block 91 Lots 3.11 and 3.95 –Inclusionary Planned Development 2 – Residential uses including single family homes, townhouses and apartments.

Block 91 Lots 3.14, 3.161, 3.181, 3.191, 3.22, and 3.961 - Inclusionary Planned Development 3 - Mixed-use neighborhood of medical/health facilities with a continuing care community.

3.2 PERMITTED USES

- A. Inclusionary Planned Development 1- – Mixed-use center with up to 100,000 square feet of retail sales and services and restaurant uses, with residential apartments on upper floors. Grocery stores, pharmacies, banks, restaurants, convenience-oriented retail stores, professional, general and business offices and institutional uses. Drive-thru lanes are permitted for grocery, pharmacies, banks and restaurants provided they are located at the side or rear of the building. Residential uses include single family homes, townhouses and apartments and customary accessory uses such as facilities and structures designed for recreation or community use, private garages and carports, swimming pools with outdoor dining areas, dog runs, tot lots and pedestrian and bicycle paths.
- B. Inclusionary Planned Development 2– Residential uses including single family homes, townhouses and apartments and customary accessory uses such as facilities and structures designed for recreation or community use, private garages and carports, swimming pools with outdoor dining areas, dog runs, tot lots and pedestrian and bicycle paths.
- C. Inclusionary Planned Development 3 - Mixed-use neighborhood including medical/health facilities (medical-related commercial uses, health clubs, physical therapy, same-day surgery) and a continuing care community of independent senior living units, assisted living, memory care, adult day care, nursing home and related elements in the continuum of care for the aging and infirm.

3.3 BULK AND AREA REQUIREMENTS

A. Residential Uses

- 1) Apartments shall be permitted either over commercial uses, in apartment buildings or in connection with the continuum of care community (in which case they may be age restricted), where the following would apply:
 - a) Minimum lot area – 1 Acre

- b) Maximum density – 75 units per acre
- c) Maximum lot coverage – None - N/A
- d) Maximum building height when no retail or parking on first floor – 55'
- e) Maximum building height with retail or parking on first floor – 70'¹
- f) Maximum building length – None - N/A
- g) Maximum number of units per building – None - N/A
- h) Minimum setback to streets – 20 feet for structures; 10 feet for parking areas
- i) Minimum setback from other buildings:
 - Front to front – 50'
 - Front to side – 30'
 - Side to side – 20'
 - Rear to rear – 50'
 - Rear to side – 30'
- j) Minimum front yard setback – 20 feet
- k) Minimum side yard setback – 20 feet.
- l) Minimum rear yard setback – 25 feet
- m) Parking – 1.25 parking spaces per unit

2) Townhouses

- a) Minimum Lot Width for individual unit – 16 feet
- b) Minimum Lot Depth – 60 feet
- c) Minimum front yard setback - 15 feet
- d) Minimum Rear yard Setback – 15 feet
- e) Minimum Side Yard Setback – 15 feet (0-feet for attached units)
- f) Minimum distance to other buildings – 25'
- g) Maximum units per townhouse building – 8
- h) Maximum units per stacked townhouse building - 16
- i) Parking – 1.75 parking spaces per unit

3) Single-Family units

- a) Minimum Lot Area – 5,000 square feet
- b) Minimum Lot Width – 50 feet
- c) Minimum Lot Depth – 100 feet
- d) Minimum front yard setback – 20 feet
- e) Maximum front yard setback – 25 feet
- f) Minimum Rear yard Setback – 15 feet
- g) Minimum Side Yard Setback – 5 feet
- h) Parking – 2 parking spaces per unit

B. Non-residential and mixed uses

- a. Min. Lot Size 22,000 sq. ft. ²

b. Min. Lot Width	50 ft.
c. Min. Lot Depth	50 ft.
d. Min. Front Yard to Scotch Road	100 ft. for buildings over 35 ft. 70 ft. for buildings up to 35 ft.
e. Min. Side Yard	None – N/A
f. Min. Rear Yard	None – N/A
g. Max. Building Height	70 ft. East of Scotch Road 55 ft. West of Scotch Road ¹
h. Max. Lot Coverage	65%
i. Min. Parking Ratio	3.0 spaces per 1,000 SF non-residential

Note 1. Notwithstanding the requirements above, non-residential uses may be subdivided along lease lines with appropriate cross access and parking easements.

Note 2. Max. Building Height permitted to be 70 feet when residential is provided over retail and/or parking.

3.4 VERY LOW, LOW AND MODERATE INCOME HOUSING REQUIREMENTS

A. Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing. A minimum of 13% of the affordable units shall be very low income units affordable to households earning 30% of the median income; and 37% of the affordable units shall be low income units. The balance of units (50 percent) shall be moderate income units.

1. The affordable housing units shall be located in more than one building.
2. Development within the Redevelopment Area will include a 20% set aside of all residential units (up to 465 units) that will be affordable to very low, low and moderate income households. Age-restricted units are permitted with a township-wide cap of 25%.
3. The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.
4. There shall be a control period pursuant to N.J.A.C. 5:80-26.11 of not less than 50 years for all affordable units.

3.4 OTHER REQUIREMENTS

Building Design. The design of the residential buildings shall be of a residential character and not institutional and an integrated architectural theme shall be utilized throughout each neighborhood, including principal and accessory buildings and structures and all signage.

1. Architectural elevations and floor plans shall be provided for each type of building.
2. Maximum length of buildings shall not exceed 225 feet unless a 4' offset is provided in the facade.2. Variations in setback, materials, colors and design including breaks in the building façade shall be encouraged to reduce and separate the building mass.
3. Rooflines shall be pitched. If flat roofs are provided, they shall incorporate green design techniques including either vegetation or solar collection and shall be designed to shield any roof-mounted equipment.
4. All HVAC and mechanical equipment shall be adequately screened from view.
5. All multiple family dwelling buildings and all accessory buildings and structures, including signs, shall be designed in a unified architectural style.
6. Building design shall include spare electrical conduit to permit future installation of rooftop mounted solar.

B. Circulation.

1. A boulevard treatment shall form the circulation spine of the development.
2. Pedestrian and/or bicycle circulation systems shall be designed to extend through and connect with open space and common areas both on and off site.

C. Open Space.

1. Parks and trails are essential elements of place. Pedestrian-friendly neighborhood design shall include trees for shade and natural beauty, parks and green spaces to foster positive community and social interaction in communal spaces that are safe and conveniently located.
2. The open space requirement for the IPD Districts shall be substantially satisfied by the dedication of 174 acres on the west side of Scotch Road, pursuant to the Settlement Agreement. Nonetheless, neighborhood-scale open spaces shall also be distributed throughout the developed areas, including small neighborhood parks (approximately 5,000 square feet) and green spaces.

3. The site landscape design shall include a component to assist the township in meeting Tree City qualifications.
- D. Utilities/Services. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.
- E. Stormwater Management Plan. Stormwater designs shall use as naturalized designs and shall promote water quality, minimize maintenance and provide for groundwater recharge. Use low impact development design techniques to the greatest extent practicable. Where possible use geologic formations to enhance groundwater recharge.

3.6 *VARIANCES AND INAPPLICABLE ORDINANCES*

- A. The Planning Board is authorized to grant, pursuant to NJSA 40:55D-70c, variances from the redevelopment standards and other zoning standards that are not superseded by the redevelopment plan. The Planning Board is also authorized to grant waivers from design standards.
- B. In order to achieve the number of affordable units and related market rate units provided for in the settlement agreement, the site design may require deviation from strict application of certain municipal design standards. In all cases, NJDEP Flood Hazard Area rules, wetland rules including wetland buffers shall be complied with. Should deviations from stream corridor standards be necessary, stream corridor averaging shall be used to minimize the total area of stream corridor that is lost because of the deviation.
- C. The developer of the redevelopment area may also request relief from other cost generative features of land use ordinances.

3.7 *MUNICIPAL COOPERATION WITH UTILITIES*

- A. The Township shall confirm in writing its support of submission and applications for all utilities (specifically water and sewer) and all necessary government agency or private utility approvals related to all aspects of the development within five (5) business days of a written request for such support from the developer. Specifically, the Township shall assist the developer in discussions with ELSA, Trenton Water, Mercer County, NJDOT, NJDEP, the DRCC and any other public or private entity with which the developer must deal in order to develop the subject property, including any effort the developer may make to decrease the fees charged by ELSA. The Township

shall assist in acquiring rights-of-way or easements if necessary. The township will support the use of other redevelopment tools as prescribed by law.

4. REDEVELOPMENT ACTIONS

4.1 OUTLINE OF PROPOSED ACTIONS

Construction of new structures and other improvements will take place as proposed in this Redevelopment Plan. The redeveloper will be required to enter into a Redeveloper's Agreement with the Township that stipulates the precise nature and extent of the improvements to be made and their timing and phasing shall be governed as permitted therein.

4.2 PROPERTIES TO BE ACQUIRED

This Redevelopment Plan will require the dedication of 174 acres within the Redevelopment Area to Hopewell Township, as detailed in 3.5C above.

4.3 RELOCATION

This Redevelopment Plan will not displace or relocate any residents within the Plan Area.

4.4 ADMINISTRATIVE PROVISIONS

Redevelopment activities within the Redevelopment Area shall comply with all requirements in any executed redevelopment agreement between a designated redeveloper and the Township of Hopewell.

5. PLAN CONSISTENCY REVIEW

5.1 RELATIONSHIP TO EWING TOWNSHIP MASTER PLAN

The Redevelopment Area is adjacent to Hopewell's border with Ewing Township, where the zoning to the southwest is R-1 (single family residential) and to the southeast is the Industrial Park (IP-1) Zone that surrounds the Mercer County Airport.

The redevelopment of the subject property will not have a substantial impact on the Ewing Township Master Plan, as:

- the area of Ewing closest to the subject property is virtually fully developed;
- the proposed land use is consistent with other land uses in the area; and
- I- 95 will accommodate much of the proposed community's traffic.

Route 95 physically separates the subject properties from all development to the south in Ewing and the lands closest to Ewing are already developed with the Capital Health campus.

5.2 RELATIONSHIP TO THE MERCER COUNTY MASTER PLAN

The Mercer County Master Plan (amended in 2016) supports the basic goals, objectives and strategies of the State Development Redevelopment Plan. It focuses on combating urban sprawl and capitalizing on available transportation infrastructure. The use of the subject property for inclusionary development is consistent with the following housing and transportation goals (MCMP pages 30 and 32):

1. Focus on housing needs of the work force.
2. Address the housing needs of both lower-income and moderate-income households
3. Through planning efforts, continue to make efficient use of existing road infrastructure including the implementation of access management concepts to maximize the efficiency of the existing roadway system.

5.3 RELATIONSHIP TO STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The Redevelopment Area includes lands in Planning Area 2 (PA2) and Planning Area 3. The SDRP envisions itself as a growth management plan in which PA2 is one of the areas in which the SDRP promotes growth, including higher density inclusionary development and PA-3 is an area where growth is to be accommodated. Among the goals for PA2 is a preferred location for inclusionary development. The SDRP's goals for PA-2 include:

- a. Guiding development in more compact forms,
- b. Encouraging densities that promote transit,
- c. Providing for a full range of housing choices, and
- d. Encouraging redevelopment.

The SDRP is designed to use land and transportation infrastructure efficiently and minimize commuting times. The subject property is a convenient location for households looking for a well situated base from which to commute to work or travel to regional shopping and recreational facilities.

The adopted housing policies of the State Development and Redevelopment Plan (SDRP) are specifically advanced by this redevelopment plan, as seen in the highlighted excerpt below:

#6. Housing – Preserve and expand the supply of safe, decent and reasonably priced housing while meeting the constitutional mandate with respect to affordable housing through improved planning, regulatory reform, supportive infrastructure investments, housing subsidies, tax and discounted fee incentives and municipal property tax relief in ways that are consistent with the vision and goals of the State Plan.

6. GENERAL PROVISIONS

6.1 AMENDMENT TO ZONING MAP AND LAND DEVELOPMENT ORDINANCE

The Zoning Map of the Township of Hopewell is hereby amended to indicate the location of the Inclusionary Multifamily Development - 1 Zone and reference this Redevelopment Plan.

6.2 DEFINITIONS

The “Definitions” section of the Township’s Land Development Ordinance shall govern unless a word is otherwise defined herein.

6.3 VARIANCE REQUESTS

Hopewell Township’s Master Plan goals and policies have been designed to permit managed growth in appropriate locations and to protect the many valuable environmental and cultural features of the natural and man-made landscape. These primary objectives continue to govern this redevelopment plan.

Within this context, the Hopewell Township Planning Board may grant variances from the regulations within this Redevelopment Plan, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, the strict application of any bulk regulation adopted pursuant to this Redevelopment Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the redeveloper.

The Hopewell Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan.

An application for site plan approval shall provide public notice of such application and shall further identify all requested variances from the regulations contained herein.

Notwithstanding the above, no variances shall be granted that would permit a use or principal structure not permitted by the Redevelopment Plan or an increase in the maximum permitted floor area ratio or an increase in the maximum permitted height of a principal structure by more than 10 feet or 10%, whichever is less, which can only be modified by a duly adopted amendment to this Redevelopment Plan.

6.4 REQUESTS FOR DESIGN EXCEPTIONS

The Hopewell Planning Board may grant exceptions from the “should” regulations contained within this Redevelopment Plan as may be reasonable and within the general purpose and intent of this Redevelopment Plan or if the literal enforcement of one or more provisions is impractical or will exact undue hardship because of peculiar conditions related to the property in question.

6.5 SITE PLAN AND SUBDIVISION REVIEW

Within the Redevelopment Area, subdivisions and/or site plans providing for the demolition of existing improvements and construction of new buildings and other improvements shall be prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and shall be submitted by the redeveloper for review and approval by the Township of Hopewell Planning Board.

To assure the comprehensive and coordinated development of the Redevelopment Area, any site plan presented to the Hopewell Planning Board shall be consistent with the terms of this Redevelopment Plan and shall include a preliminary site plan including proposals on the following elements:

- An overall development plan (bubble diagram) for the Redevelopment Area identifying the traffic circulation system, land use types, building heights, floor areas of each building and the number of residential units.
- Architectural elevations, renderings and floor plans.
- A circulation and streetscape plan, indicating the overall design with a boulevard street entry, and locations and types of materials to be used, including pavements, trees and other plantings and any street furniture. Pedestrian and/or bicycle circulation systems shall be designed to extend throughout the development and connect with open space and common areas.
- Parking, loading and vehicular access plan. A traffic circulation analysis shall analyze traffic conditions in the project vicinity and identify existing traffic problem areas as well as the cumulative effect of traffic from the redevelopment area on adjacent and affected roadways. Shared parking arrangements are permissible, subject to a showing of parking sufficiency.
- Landscape plan. Use indigenous and non-invasive species to the greatest extent practicable.
- Utility plan.
- Stormwater Management Plan. Stormwater designs shall use as naturalized designs and shall promote water quality, minimize maintenance and provide for groundwater recharge. Use low impact development design techniques

to the greatest extent practicable. Where possible use geologic formations to enhance groundwater recharge.

- Lighting plan. Use LED and low energy use lighting. Accommodate Dark Sky design standards to the greatest extent practicable.

No permits shall be issued for construction of buildings within the Redevelopment Area until the Hopewell Planning Board has granted final site plan approval for such improvements.

The criteria for the consideration and approval of the site plan shall be in conformance with the requirements of this Redevelopment Plan, the site plan provisions of the Township of Hopewell Land Use Ordinance and the executed Redevelopment Agreement between the redeveloper and the Township of Hopewell.

6.6 GENERAL DEVELOPMENT PLAN

The developer(s) of the IPD Zone Districts may submit a general development plan to the approving authority for review and approval prior to submitting a preliminary plat. The submission shall be in accordance with section 17-126. The design standards for required improvements shall comply with the approved general development plan and the provisions of this ordinance that have not been modified by the approved general development plan.

6.7 AFFORDABLE HOUSING

The IPD Zones respond to the terms of a Settlement Agreement between CF Hopewell and Hopewell Township. This agreement requires that the Redevelopment Area will include a 20% set aside of all residential units (up to 465 units) that will be affordable to very low, low and moderate income households. Of this total, at least 185 of the affordable units will be family rentals and at least 13% will be very low-income units (and such very low-income units are anticipated to be rental units). Age-restricted units are permitted with a township-wide cap of 25%.

6.8 ADVERSE INFLUENCES

No use shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

6.9 NON-DISCRIMINATION PROVISIONS

No covenant, lease, conveyance or other instrument shall be affected or executed by the Township Committee or by any redeveloper or any of his successors or assignees, whereby

the sale, lease, use or occupancy of land within the Redevelopment Area is restricted on the basis of race, creed, color, sexual orientation or national origin. Appropriate covenants, running with the land in perpetuity, shall prohibit any such restrictions and shall be included in the disposition instruments.

6.10 DURATION OF THE PLAN

The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restrictions with respect thereto shall be in effect for a period of 30 years from the date of approval of this plan by the Township Committee.

7. OTHER PROVISIONS

7.1 STATEMENT ABOUT REDEVELOPMENT

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the Plan objectives.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.
- The Redevelopment Plan does not envision a need to acquire privately-owned properties or to relocate any residents or businesses.
- The Redevelopment Plan is substantially consistent with the intent of the Master Plan for the Township of Hopewell and advances the objectives of the Housing Element and Fair Share Plan. The Redevelopment Plan also advances the goals and objectives of the New Jersey State Development and Redevelopment.
- This Redevelopment Plan shall supersede all provisions of the Zoning and Land Development Regulations of the Township of Hopewell regulating development in the area addressed by this Redevelopment Plan, except where stated otherwise within the text of this Plan. Final adoption of this Plan by the Township Committee shall be considered an amendment of the Township of Hopewell Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

7.2 PROCEDURE FOR AMENDING THE APPROVED PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A non-refundable application fee shall be paid pursuant to site plan fee schedule found in Section 126-35 "Fees" by the party requesting such amendment, unless the request is issued from any agency of Hopewell Township. The Township Committee, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.

DRAFT

APPENDIX A

Zoning Amendment Creating the Inclusionary Planned Development Zones

1. Amend the Land Use and Management Ordinance and Zoning Map to establish new **Inclusionary Planned Development** Districts as follows:

Block 93 Lots 3.01, 5.01, and 6.01 – IPD-1 Zone - Mixed-use center.

Block 91 Lots 3.11 and 3.95 – IPD-2 Zone – Residential uses including single family homes, townhouses and apartments.

Block 91 Lots 3.14, 3.161, 3.181, 3.191, 3.22, and 3.961 – IPD-3 Zone - Mixed-use neighborhood of medical/health facilities with a continuing care community.

2. Amend Section 17-126.3 Eligibility to read as follows:

General development plans shall be limited to the following eligibility standards.

- a. Sites must have a minimum of 250 acres of land area.
- b. Sites must be located within either the RO or IOP-G or the Inclusionary Planned Development (IPD) zoning districts.

3. Establish the Inclusionary Planned Development Districts as follows:

Inclusionary Planned Development Districts

A. *Purpose:* The Inclusionary Planned Development (IPD) Districts provide for a mixed use community of inclusionary single family and multi-family residential neighborhoods and commercial and office uses. The Inclusionary Planned Development Zones respond to the terms of a Settlement Agreement between CF Hopewell and Hopewell Township. This agreement requires that the Redevelopment Area will include a 20% set aside of all residential units (up to 465 units) that will be affordable to very low, low and moderate income households. Of this total, at least 185 of the affordable units will be family rentals and at least 13% will be very low-income units. Age-restricted units are permitted with a township-wide cap of 25%.

A variety of housing types are provided to meet the needs of people of all ages and abilities, including senior housing options.

B.1 Permitted Principal Uses in the IPD-1 Zone Mixed-use center

Residential Uses

1. single family homes
2. townhouses , including stacked units
3. apartments

Non-residential uses not to exceed to 100,000 square feet of floor area including:

1. Grocery stores
 2. Pharmacies *
 3. Banks *
 4. Restaurants *
 5. Convenience-oriented retail stores,
 6. Professional, general and business offices
 7. Institutional uses
 8. Retail sales and services with residential apartments on upper floors
- * - Drive-thru lanes are permitted provided they are located at the side or rear of the building.

B.2 Permitted Principal Uses in the IPD-2 Zone - Northeast Residential Zone

1. single family homes
2. townhouses , including stacked units
3. apartments

B.3 Permitted Principal Uses in the IPD-3 Zone - Southeast Mixed Use Zone

1. Medical offices
2. Medical-related commercial uses
3. Health clubs
4. Physical therapy
5. Same-day surgery centers
6. Continuing care retirement community of up to 500 units and/or beds, consisting of:
 - a. independent senior living units
 - b. assisted living
 - c. memory care
 - d. adult day care
 - e. skilled nursing facilities

C. Permitted Residential Accessory Uses:

1. customary accessory uses, facilities and structures designed for recreation or community use
2. off street parking and private garages and carports
3. swimming pools with outdoor dining areas
4. dog runs
5. tot lots
6. pedestrian and bicycle paths.
7. Community clubhouse with fitness room, club room business center and furnished model.
8. Management and leasing offices.
9. Maintenance office/garage building not to exceed one (1) story in height and 1,500 square feet in floor area. The façade design shall match the residential structures.
10. Solid waste and recycling facilities.
11. Monument signs located at entrance to be constructed of stone or brick, not to exceed 100 square feet in area and eight (8) feet in height.
12. Utility structures and facilities needed to provide the direct service of gas, electricity, telephone, water, sewerage and cable television.

D. BULK AND AREA REQUIREMENTS FOR USES IN THE INCLUSIONARY PLANNED DEVELOPMENT DISTRICTS

1. Residential Uses

- A. Apartments shall be permitted either over commercial uses or in apartment buildings, where the following would apply:
1. Minimum lot area – 1 acres
 2. Maximum density – 75 units/ acre
 3. Maximum lot coverage – None – N/A
 4. Maximum building height east of Scotch Road – 70'
 5. Maximum building height west of Scotch Road – 55'
 6. Maximum building length – None – N/A
 7. Maximum number of units per building – None – N/A
 8. Minimum setback to streets – 20 feet for structures; 10 feet for parking areas.
 9. Min. Front Yard to Scotch Road - 100 ft. for buildings over 35 ft./50 ft. for buildings up to 35 ft.
 10. Minimum setback from other buildings:
 - Front to front – 50'
 - Front to side – 30'
 - Side to side – 20'
 - Rear to rear – 50'
 - Rear to side – 30'
 11. Minimum front yard setback – 20 feet.
 12. Minimum side yard setback – 20 feet.

13. Minimum rear yard setback – 25 feet
14. Parking – 1.25 parking spaces per unit.

B. Townhouses, which may be family or age-restricted units.

1. Minimum Lot Width for individual unit – 16 feet
2. Minimum Lot Depth – 60 feet
3. Minimum front yard setback - 15 feet
4. Minimum Rear yard Setback – 15 feet
5. Minimum Side Yard Setback – 15 feet (0-feet for attached units)
6. Min. Front Yard to Scotch Road - 100 ft. for buildings over 35 ft./50 ft. for buildings up to 35 ft.
7. Minimum distance to other buildings – 25'
8. Maximum units per townhouse building – 8
9. Maximum units per stacked townhouse building - 16
10. Parking – 1.75 parking spaces per unit.

C. Single-Family units, which may be family or age-restricted units.

1. Minimum Lot Area – 5,000 square feet
2. Minimum Lot Width – 50 feet
3. Minimum Lot Depth – 100 feet
4. Minimum front yard setback – 20 feet
5. Maximum front yard setback – 25 feet
6. Minimum Rear yard Setback – 15 feet
7. Minimum Side Yard Setback – 5 feet
8. Maximum building height – 40 feet/2 1/2 stories
9. Parking – 2 parking spaces per unit.

2. *Non-residential and mixed use*

- | | |
|-----------------------------------|---|
| 1. Min. Lot Size | 22,000 sq. ft. ¹ |
| 2. Min. Lot Width | 50 ft. |
| 3. Min. Lot Depth | 50 ft. |
| 4. Min. Front Yard to Scotch Road | 100 ft. for buildings over 35 ft.
50 ft. for buildings up to 35 ft. |
| 5. Min. Side Yard | None – N/A |
| 6. Min. Rear Yard | None – N/A |
| 7. Max. Building Height | 55 ft. (35' within 100' of Scotch Road)
70 ft. (if over retail space or on East side of Scotch Road) |
| 8. Max. Lot Coverage | 65% |
| 9. Max. Floor Area Ratio | 0.50 |
| 10. Minimum Parking Requirement | 3 spaces per 1,000 square feet of non-residential building area |

Note 1. Non-residential uses may be subdivided along lease lines with appropriate cross access and parking easements, in which case none of the standards in this Section 2 must be met except limitations on building height.

3. *Permitted Commercial Signage*

- i) Freestanding Monument Signs for Retail Center
 - (1) One sign permitted at each driveway to Scotch Road
 - (2) Maximum Height – 20 feet
 - (3) Maximum Sign Area – 200 square feet
 - (4) Sign Setback- 10 feet
- ii) Wall/Façade Signs for Shopping Center
 - 1. Maximum sign area – two (2) square feet per one (1) lineal foot of building width dedicated to the specific business or one hundred (100) square feet, whichever is larger.
 - 2. Anchor tenants are permitted façade signs equal to 10% of the total façade area.
- iii) Freestanding Signs for Pad Sites. One freestanding monument sign may be provided for each pad site.
 - (1) Maximum Height – 15 feet
 - (2) Maximum Sign Area – 100 square feet
 - (3) Sign Setback – 10 feet
- iv) Wall/Façade Signs for Pad Sites
 - (1) 75 square feet on primary/front façades.
 - (2) 50 square feet on internal facades.
- v) Two directional signs are permitted at each driveway entrance at a maximum height of 6-feet with a maximum area of 10 square feet.
- vi) Canopy signage is permitted in addition to the wall signs. The maximum sign area on the canopy shall not exceed 40 square feet per side.
- vii) Drive-thru establishments are permitted signage, intended for the drive-thru user only and not the general public, including a menu board, not to exceed 20 square feet, and directional signage for ordering lanes, not to exceed 2 square feet.

GENERAL DEVELOPMENT PLAN

The developer(s) of the Inclusionary Planned Development Districts may submit a general development plan to the approving authority for review and approval prior to submitting a preliminary plat. The submission shall be in accordance with section 17-126. The design standards for required improvements shall comply with the

approved general development plan and the provisions of this ordinance that have not been modified by the approved general development plan.

VERY LOW, LOW AND MODERATE INCOME HOUSING REQUIREMENTS

1. Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing.
2. Twenty-percent (20%) of the total residential units, exclusive of assisted living, are to be set-aside as affordable housing (low- and moderate-income units) up to a maximum of 430 units.
3. Ten-percent (10%) of the assisted living units, are to be set-aside as affordable housing (low- and moderate-income units) up to a maximum of 50 units.
4. A minimum of 13% of the affordable units shall be very low income units, affordable to households earning 30% of the median income; and 37% of the affordable units shall be low income units. The balance of units (50 percent) shall be moderate income units.
5. The affordable housing units shall be distributed throughout the Inclusionary Planned Development Zones.
6. The Township-designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.
7. At least 185 of the low- and moderate-income units shall be family rental units and shall not be age-restricted.
8. A maximum of 15% of the low- and moderate-income units may be age-restricted. Age-restricted affordable units shall be integrated into and distributed throughout the market-rate age-restricted development.
9. The production of low and moderate income units and market units shall be in accordance with the following schedule:

Minimum Percentage of Low and
Moderate Income Units Completed

Percentage of Market Units Completed

0	25
10	25 + 1 unit
50	50
75	75
100	90

10. A Continuing care retirement community may include independent living units and assisted living beds, not to exceed a total of 500 units and/or beds. Up to 400 assisted

living beds are permitted, of which at least 10 percent shall be reserved for Medicaid recipients, consistent with N.J.S.A. 26:2H 12.16, et seq. and N.J.A.C. 8:36-5.1, et seq.

11. All affordable residential units shall be subject to a control period pursuant to N.J.A.C. 5:80-26.11 of not less than forty (40) years.

OTHER REQUIREMENTS

1. Site Design - Any application for development or redevelopment shall include at least the following elements:

- A. An overall development plan for the Redevelopment Area identifying land use types, building heights, floor areas of each building and the number of residential units, designed to be a vital and walkable place that:

- is compact;
- is designed for the human scale with buildings placed closer to the street and a variety of gathering places.
- provides a mix of uses, including residential, commercial, civic green spaces in close within the neighborhood;
- provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
- incorporates environmental features into the design;

- B. Architectural elevations, renderings and floor plans.

- C. A circulation and streetscape plan, indicating the overall design with a boulevard street entry, and locations and types of materials to be used, including pavements, trees and other plantings and any street furniture. Pedestrian and/or bicycle circulation systems shall be designed to extend throughout the development and connect with open space and common areas.

- D. Parking, loading and vehicular access plan. A traffic circulation analysis shall analyze traffic conditions in the project vicinity and identify existing traffic problem areas as well as the cumulative effect of traffic from the redevelopment area on adjacent and affected roadways. Shared parking arrangements are permissible, subject to a showing of parking sufficiency.

- E. L
andscape plan. Use indigenous and non-invasive species to the greatest extent practicable.

- F. O
pen Space Plan. The open space requirement for the IPD Districts shall be substantially satisfied by the dedication of 174 acres on the west side of Scotch Road, pursuant to the Settlement Agreement. Nonetheless, neighborhood-scale open spaces shall also be distributed throughout the developed areas, including neighborhood parks (approximately 5,000 square feet) and green space. The site landscape design shall include a component to assist the township in meeting Tree City qualifications.

- G. Utility plan. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.
- H. Stormwater management plan - . Stormwater designs shall use as naturalized designs and shall promote water quality, minimize maintenance and provide for groundwater recharge. Use low impact development design techniques to the greatest extent practicable. Where possible use geologic formations to enhance groundwater recharge.
- I. Lighting plan. Use LED and low energy use lighting. Accommodate Dark Sky design standards to the greatest extent practicable.
- J. Phasing plan – Phasing shall be indicated for all elements to be constructed as the development proceeds. This shall include the phasing of construction of utilities, access roads and key service components of the development, which may occur independent and in advance of building construction.

2. Building Design. The design of the residential buildings shall be of a residential character and not institutional and an integrated architectural theme shall be utilized throughout each neighborhood, including principal and accessory buildings and structures and all signage.

- A. Architectural elevations and floor plans shall be provided for each type of building.
- B. Maximum length of buildings shall not exceed 225 feet unless a 4' offset is provided in the facade.2. Variations in setback, materials, colors and design including breaks in the building façade shall be encouraged to reduce and separate the building mass.
- C. Rooflines shall be pitched. If flat roofs are provided, they shall incorporate green design techniques including either vegetation or solar collection and shall be designed to shield any roof-mounted equipment.
- D. All HVAC and mechanical equipment shall be adequately screened from view.
- E. All multiple family dwelling buildings and all accessory buildings and structures, including signs, shall be designed in a unified architectural style.
- F. Building design shall include spare electrical conduit to permit future installation of rooftop mounted solar.

VARIANCES AND INAPPLICABLE ORDINANCES

- A. The Planning Board is authorized to grant (C) variances from the redevelopment standards and other zoning standards that are not superseded by the redevelopment plan. The Planning Board is also authorized to grant waivers from design standards.
- B. In order to achieve the number of affordable units and related market rate units provided for in the settlement agreement, the site design may require deviation from strict application of certain municipal design standards. In all cases, NJDEP Flood Hazard Area rules, wetland rules including wetland buffers shall be complied with. Should deviations from stream corridor standards be necessary, stream corridor averaging shall be used to minimize the total area of stream corridor that is lost because of the deviation.

- C. The developer of a redevelopment project proposing the construction of affordable housing shall be entitled to request relief from asserted cost generative features in the Township's land use ordinances as authorized by N.J.A.C. 5:93-10.1, *et seq.*

MUNICIPAL COOPERATION WITH UTILITIES

The Township shall confirm in writing its support of submission and applications for all utilities (specifically water and sewer) and all necessary government agency or private utility approvals related to all aspects of the development within five (5) business days of a written request for such support from the developer. Specifically, the Township shall assist the developer in discussions with ELSA, Mercer County, NJDOT, NJDEP, the DRCC and any other public or private entity with which the developer must deal in order to develop the subject property, including any effort the developer may make to decrease the fees charged by ELSA. The Township shall assist in acquiring rights-of-way or easements if necessary. The Township shall make available redevelopment tools for the subject property as fully as permitted by law.

REDEVELOPER'S AGREEMENT

The Redeveloper shall enter into an agreement with the municipality pursuant to the provisions of N.J.S.A. 40:55D-39 within 90 days of a memorialized Board resolution of final site plan approval setting forth variations from ordinary standards for preliminary and final approval to provide increased flexibility and promote mutual agreement between the applicant and the municipality at the time of conceptual master site plan approval. The substance of the Redeveloper's Agreement shall be consistent with the laws of the State of New Jersey, the Hopewell Land Use Code and the conditions and standards applicable to development in the zone. The Redeveloper's Agreement shall be in a form satisfactory to the Township Attorney and the Redeveloper, shall be assignable to such other redeveloper or redevelopers as are reasonably acceptable to the Township at no cost, and may include, but is not limited to, provisions relating to the following:

- Building layout and use.
- Signage: Criteria to ensure a harmonious signage design for the entire development, which shall include lettering style, lighting standard types, sign material and sign lighting.
- Architecture: Architectural design standards to ensure that the development will result in an aesthetically-harmonious design which may include external building materials, fenestration, color, mechanical penthouse screening and roof appearance where visible from adjoining buildings of higher elevation. Upon application by the developer and upon approval of the Planning Board, architectural criteria may be revised from time to time.

- Lighting plan: to ensure a uniform lighting plan to provide safe and attractive lighting for exterior roads, interior roads and driveways, parking lots, walkways and landscape display lighting.
- Landscaping: to ensure retention of natural vegetation, landscaping of parking areas, landscaping of building sites and the screening of trash collection and removal areas, buffering and wind shielding, pedestrian and bike linkages between buildings and the entire tract to encourage free passage while discouraging conflict with vehicular traffic.
- Recreation: Active and passive recreational facilities, such as jogging and fitness trails, passive sitting areas, and other athletic facilities shall be provided for the benefit of building occupants.
- Maintenance: Developer's obligation to maintain: provisions for maintenance and repair by the developer, or his successors, of building exteriors, trash removal and maintenance of public improvements until acceptance, landscaping, buffered areas and open spaces.
- Payment In Lieu Of Taxes Agreement

PLAN AMENDMENT

Amendments to the Redevelopment Plan may be adopted in order to meet changing circumstances within and affecting the Redevelopment Area and the Township, but any site plan must be consistent with the adopted or amended Redevelopment Plan and conform to the design requirements of the ordinance.

Memorandum

To: Hopewell Township Committee
From: Hopewell Township Planning Board
Date: November 14, 2017
Subject: Consistency Review of Ordinance Amending the RO Research Office Zones to permit inclusionary residential development

Background

Subsequent to our September 28, 2017 report on the rezoning of the BMS property, the Township Committee has forwarded to the Planning Board an amended ordinance amending the RO zones to permit inclusionary residential development. The revised ordinance provides for inclusionary residential development as a conditional use in the RO Zone and provides further that if inclusionary development will not occur at the BMS property, thirty (30) additional affordable units will be provided at the Township-owned Zaitz property.

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*, while the commentary is provided in regular font.

- 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, as 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 land use goal for a balanced land use plan and the Housing Plan goal to 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 RO 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 provides a better 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. 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.
4. 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.

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO.

**ORDINANCE OF THE TOWNSHIP OF HOPEWELL
AMENDING CHAPTER XVII OF THE CODE OF THE
TOWNSHIP OF HOPEWELL ENTITLED THE
HOPEWELL TOWNSHIP "LAND USE AND
DEVELOPMENT ORDINANCE"**

WHEREAS, the Township of Hopewell is required to amend certain provisions of Chapter XVII of the Code of the Township of Hopewell entitled the Hopewell Township "Land Use and Development 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 this 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 non-residential 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, Hopewell Township 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.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Chapter XVII of the Code of the Township of Hopewell entitled the Hopewell Township "Land Use and Development Ordinance" be amended, modified and supplemented as follows:

SECTION I.

Chapter 17-168.a. entitled "Purpose" of the RO-1, RO-2 and RO-3 Zoning Districts is repealed as currently stated and is replaced by the following new Chapter 17-168.a. in its place and stead:

17-168 RO-1, 2 AND 3 DISTRICTS: RESEARCH/OFFICE DISTRICTS.

- a. *Purpose.* The purpose of these districts is to provide for research/office uses by single owners with one or more tenant occupants on large parcels within the township. A neighborhood of inclusionary housing is also deemed appropriate in the RO-1 District when arranged on undeveloped portions of the property, and adequately buffered from manufacturing buildings and activities. It is also intended that the provision for assisting in the development of lower income housing as set forth below be a required portion of any new development in the RO-1 District.

SECTION II.

Chapter 17-168.b entitled "Conditional Uses" is supplemented to add a new Paragraph 2 as follows:

2. Inclusionary affordable housing development pursuant to the requirements in §17-168(g).

SECTION III

Chapter 17-252 entitled "Applicability of Growth Share", Chapter 17-253 entitled "Residential Growth Share Provisions", and Chapter 17,254 entitled "Nonresidential Growth Share Provisions" are repealed inasmuch as the "Growth Share" rules adopted by the New Jersey Council on Affordable Housing ("COAH") upon which they were based have been invalidated by the Courts.

SECTION IV

A new section 17-168(g) entitled "Conditional Use Inclusionary Development in the RO-1 District" is added as follows:

17-252. Conditional Use Inclusionary Development in the RO-1 District.

- A. Principal permitted uses.
 - (1) Garden apartments.
 - (2) Townhouses.
- B. Permitted accessory uses.

- (1) Off-street parking
- (2) Any use or structure customarily incidental to a principal permitted use.
- (3) Private garages and carports.
- (4) Recreational and cultural facilities for the sole use of the residents of the community and their guests, including but not limited to a clubhouse, jogging and bike trails, swimming pool, library, media center, court games, picnic areas and other typical active and passive recreation facilities.
- (5) Sales office of a temporary nature not to extend beyond the occupancy of the last dwelling

C. Area and Yard Requirements – Relief required by this section shall be considered according to the standards in N.J.S.A. 40:55D-70 (c):

The following bulk standards apply to all tracts proposed for inclusionary residential development within the RO-1 District:

- | | | |
|-------|--|---|
| i. | Minimum tract size: | thirty (30) contiguous acres |
| ii. | Maximum tract size: | fifty (50) contiguous acres |
| iii. | Minimum front yard for townhouse structures: | 25 feet to private road/100 feet to public road |
| iv. | Minimum front yard for apartment buildings: | 75 feet to private road/100 feet to public road |
| v. | Minimum tract width: | 750 feet |
| vi. | Minimum side yard for principal structures: | 50 feet |
| vii. | Total for both side yards: | 100 feet |
| viii. | Minimum rear yard: | 100 feet |
| ix. | Minimum distance between apartment buildings | 50 feet |
| x. | Minimum distance between townhouse buildings | 25 feet |
| xi. | Accessory building side yard: | 25 feet |
| xii. | Accessory building rear yard: | 50 feet |
| xiii. | Maximum coverage: | 60 percent, including private roadways |
| xiv. | Maximum building height: | 4 stories and 55 feet |

Multi-Family Building Setbacks.

- a. Building face to local street curb or pavement: 25 feet.
- b. Building face to collector street curb or pavement: 40 feet.
- c. Building face to arterial street curb or pavement: 50 feet.
- d. Building face to common parking area:
 1. Front building face: 20 feet.
 2. Rear or side building face: 15 feet.

Multi-Family Building Spacing.

The following separation of buildings shall be provided:

Dimension	Separation of Buildings (feet)
Long side to long side	75
Front to rear	50

Dimension	Separation of Buildings (feet)
Front to end	45
Rear to rear	50
Rear to end	40
End to end	30

Multifamily building requirements:

(1) Garden apartments.

- (a) The maximum length of structures shall be 200 feet. Maximum density shall be 25 dwelling units per acre.
- (b) Garden apartment structures should be grouped in clusters, with architectural design consistent in each cluster.
- (c) Recreation facilities, such as swimming pools and tennis courts, should be encouraged but carefully located to avoid problems of noise, light and similar nuisance elements affecting residential units. They shall be located not less than 100 feet from any tract boundary.
- (d) No front yard shall be used for service such as clothes drying and/or outdoor storage.
- (e) Where townhouses or garden apartments abut a residential zone or use, there shall be a landscaped strip not less than 15 feet in width or depth, which strip shall not be utilized for roadway or parking and which shall be so planted as to form an effective visual screen.
- (f) All utilities and their service lines, including electric and telephone, shall be installed underground and subject to approval of the appropriate utility. Wherever the utility is not installed in a public right-of-way, an appropriate utility easement shall be provided.
- (g) All streetlights and all lighting along pedestrian walks and in parking areas shall be downward-directed and shaded and installed on ornamental standards of the appropriate utility. They shall be of a style and design compatible with the architectural style of the project and shall be approved by the Planning Board and the utility company.
- (h) Adequate provision shall be made for the storage, recycling and removal of garbage, which shall be at the sole cost and expense of the owner.
- (i) Adequate provision shall be made for snow removal on all sidewalks, streets, roads, driveways and parking areas within the project, which shall be at the sole cost and expense of the owner.
- (j) Minimum roof pitch shall be 4:12 unless flat roofs are employed, in which case green roof design or solar collectors shall be employed.
- (k) Landscape or rooftop screening shall be provided for all a/c units, meters, connections, etc.

(2) Townhouses.

- (a) Maximum of eight units in a single row. Minimum width of unit, 18 feet. Offset of at least four feet between every two units.
- (b) Townhouses should be grouped in clusters, with a maximum of 30 per cluster. Private parking areas should be located near the unit entrances and outdoor living areas or patios adjoining open space or paths leading to open space.

- (c) Townhouses in each cluster should be consistent in terms of architectural style and major design elements such as materials, windows, rooflines, roof designs, etc. Design approval shall rest with the Planning Board.
- (d) Each dwelling unit in a townhouse building shall be completely separated from all other dwelling units in the same building by a fire wall subject to the requirements of the Uniform Construction Code.
- (e) Adequate safe and sanitary provisions shall be made for the recycling and storage of solid waste and garbage in compliance with all applicable ordinance requirements of the Township of Hopewell.
- (f) Guest parking of one space for every six units shall be required.
- (g) Minimum roof pitch shall be 4:12.
- (h) Landscape or rooftop screening shall be provided for all a/c units, meters, connections, etc.

6) Development Requirements for Inclusionary Housing in the RO-1 District:

- a. **Infrastructure** - All development shall be connected to public sewers and public water.
- b. **Residential Use**
 - 1) There shall be a minimum of 50 affordable units and a maximum of 250 dwelling units,
 - 2) Pursuant to COAH's second round rules at N.J.A.C. 5:93-1, et seq., at least 15% of all rental units and 20% of all for-sale units shall be deed-restricted for occupancy by low and moderate income households and the affordable housing units shall be dispersed among the residential buildings rather than concentrated in a few buildings.
 - 3) No more than 60% of all market rate dwellings shall be two-bedroom units and at least 40% shall be one-bedroom units.
 - 4) Low and moderate income units shall meet the following bedroom distribution requirements:
 - 1. The combination of efficiency and one bedroom units shall be at least 10 % and no greater than 20 % of the total low and moderate income units;
 - 2. At least 30 percent of all low and moderate income units shall be two bedroom units; and
 - 5) At least 20 percent of all low and moderate income units shall be three bedroom units. Residential units shall be afforded the following activities within the redevelopment area: fitness room, community room, convenient recycling and trash receptacle area and multipurpose pedestrian/bicycle trail.
 - 6) At least 50% of all affordable units shall be made available to low income households of which at least 13% shall be available to very low income households as required by P.L. 2008, c.46.
- c. **Site Design** - Relief required by this section shall be considered according to the standards in N.J.S.A. 40:55D-70 (c)
 - 1) The location and arrangement of buildings, uses, parking areas and street setbacks shall be designed to minimize conflicts with non-residential uses in the RO-1 District.
 - 2) The buildings shall be located, arranged and designed to maximize opportunities for active and/or passive solar energy collection.

- 3) Each dwelling unit and combined complex of dwelling units shall have a compatible architectural theme with variations in design to provide attractiveness to the development which shall include consideration of landscaping techniques, building orientation to the site and to other structures, topography, natural features and individual dwelling unit design such as varying unit widths, staggering unit setbacks, providing different exterior materials, changing roof lines and roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination for each dwelling unit.
 - 4) The dwelling unit mix shall be such that no more than 65% of the total number of dwelling units shall have the same number of bedrooms.
 - 5) No townhouse building shall contain more than eight dwelling units.
 - 6) A minimum of 20% of the total land area of the inclusionary development tract, shall be designated as active and passive open space. Pedestrian and bike paths, ball fields, playgrounds and other areas for active or passive recreation shall be included in the calculation of required open space.
 - 7) A dense landscape buffer screen of 75 feet in width shall be installed where the development abuts any non-residential use or public street.
 - 8) Pedestrian and bicycle circulation shall be provided and shall be separated from motor vehicle circulation wherever possible, and, where applicable, shall be consistent with the Township's master plan for bikeways.
 - 9) Pedestrian facilities shall include a perimeter loop pathway around the inclusionary development.
 - 10) An integrated sidewalk system shall be provided throughout the development which encourages pedestrian movements.
 - 11) Residential uses shall be located within the existing ring road. Residential uses may be located between the ring road and site perimeter only if the developer demonstrates to the planning board that environmental or other planning reasons preclude residential development within the ring road. Any development located between the ring road and site perimeter shall protect existing views from the perimeter through site grading, landscaping or other means acceptable to the planning board.
- d. **Parking** - Relief required by this section shall be considered according to the standards in N.J.S.A. 40:55D-70 (c):
- 1) Parking facilities shall be at least 75' feet from the right-of-way line of any public road, and at least 50' from any private road
 - 2) Parking facilities and driveways shall be at least ten feet from District lines.
 - 3) Bicycle racks shall be provided on site at a rate of one bicycle storage space for every 30 automobile parking spaces.
 - 4) Where abutting a residential zone or residential use, accessory buildings, accessory structures or accessory uses shall not be closer than 75 feet to any side or rear property line.
- e. **Traffic**
- 1) Traffic studies shall be prepared to project the development-generated traffic volumes affecting the roadways serving the development. In addition, an

specific zones otherwise identified in judicially approved Settlement Agreements under Docket No. MER-L-1557-15 (Mount Laurel) or the Township's judicially approved third round Housing Element and Fair Share Plan (collectively "Compliance Plan"), for which density and set-aside standards shall be governed by the specific standards set forth therein. A property shall not be permitted to be subdivided so as to avoid meeting the above affordable housing requirement.

SECTION VI

Chapter 17-254 is reserved for future use now that the previously adopted Chapter 17-254 has been repealed.

SECTION VII. SEVERABILITY.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION VIII. INCONSISTENT ORDINANCES REPEALED.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION IX. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law and the filing of same with the Mercer County Planning Board pursuant to N.J.S.A. 40:55d-16.

Date Introduced:

Date Advertised:

Date Adopted:

Kevin D. Kuchinski
Mayor

Attest:

Laurie E. Gompf
Municipal Clerk

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.

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 17 -

**AN ORDINANCE AMENDING VARIOUS ZONING PROVISIONS OF
CHAPTER XVII, LAND USE AND DEVELOPMENT, OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL (1978)"**

BE IT ORDAINED by the Township Committee of the Township of Hopewell,
County of Mercer and State of New Jersey as follows:

Section 1. Amend Section 17-138(a) so that the Zoning Map includes Block 78,
Lot 17 within the ***Inclusionary Multi-Family – 1 Zone (IMF-1)***.

Section 2. Amend Section 17-138(b) "Map Amendments" to add the following
note:

"21. The official zoning map of the Township of Hopewell was amended on
_____ (Ord. No. _____) to designate Block 78, Lot 17 within the
Inclusionary Multi-Family – 1 Zone (IMF-1).

Section 3. Article IX, entitled "Zoning Districts", of Chapter XVII, Land Use and
Development, of the "Revised General Ordinances of the Township of Hopewell, New
Jersey (1978)," is hereby amended and supplemented with the addition of the
Inclusionary Multi-family -1 Zone (IMF-1) to read as follows:

17-173 *Inclusionary Multi-Family – 1 Zone (IMF-1)*

- a. ***Purpose.*** The purpose of this district is to provide an opportunity for inclusionary residential development in an appropriate location in order to meet the constitutional obligation to provide for the Township's fair share of the regional need for affordable housing. This zone advances the dual master plan objectives of increasing the supply of affordable housing and diversifying the types of housing available to meet the changing demographics of the Township. This zone is also intended to implement the terms of a certain Settlement Agreement, including the Supplemental Settlement Agreement attached thereto, by and between, inter alia, the Township and Fair Share Housing Center dated July 13, 2017, which Agreement was approved by the Court at a Fairness Hearing held on August 28, 2017 in the action captioned In the Matter of the Application of the Township of Hopewell, Docket No. MER-L-1557-15 (Mt. Laurel).
- b. ***Permitted Principal Uses.***
 1. Garden apartments.
 2. Townhouses.
 3. Stacked flats, in a multi-family dwelling building, which may contain up to three dwelling units vertically provided each unit has its own private entrance. Stacked flats may have rear loaded driveways and garages with a rear access

way of 24' in width (excluding driveways) for 2 way traffic or 18' in width (excluding driveways) for 1 way access.

c. Permitted Accessory Uses

1. Structures designed for recreation or community use as a part of the multi-family dwelling development.
2. Private garages and carports.
3. Tot lots.
4. Walking paths.
5. Off-street parking facilities.
6. Community clubhouse with fitness room, club room and furnished model.
7. Management and leasing offices.
8. Maintenance office/garage building not to exceed one (1) story in height and 1,500 square feet in floor area. The façade design shall match the residential structures.
9. Solid waste facilities.
10. Monument signs located at entrance to be constructed of stone or brick, not to exceed 100 square feet in area and eight (8) feet in height.
11. Utility structures and facilities needed to provide the direct service of gas, electricity, telephone, water, sewerage and cable television.
12. Temporary Sales Model Homes within the respective home types, including related direction signage to identify the home(s) as a model.
13. One temporary construction and one temporary marketing/sales trailers.
14. Patios and Decks directly adjacent to the rear of any homes, which shall also be permitted to be located within building setbacks.
15. Privacy fences separating the townhomes shall not exceed 10' in length and shall not enclose a patio.
16. Such other accessory uses customarily incidental to the uses permitted herein, however outdoor storage other than that which can be accommodated on a deck or patio is not permitted. Free standing or attached storage sheds outside of a patio or deck are not permitted.

d. Overall or Entire Tract Bulk and Area Requirements

- | | |
|--------------------------------|--|
| 1. Minimum Lot Area | 10 acres |
| 2. Minimum Lot Frontage | 150 feet |
| 3. Minimum Lot Width | 300 feet |
| 4. Minimum Lot Depth | 200 feet |
| 5. Minimum Building Set-back | |
| 1. Front yard | 45 feet (for individual units: shall be 20' from back of curb where no sidewalk provided, and 20' from back of sidewalk) |
| 2. Side/Rear yard | 40 feet (for individual units: shall be 10' from back of curb) |
| 3. Building to Building | 20 feet |
| 6. Maximum Building Coverage | 30% |
| 7. Maximum Impervious Coverage | 60% |
| 8. Maximum Density | 8 units/acre |
| 9. Maximum Building Height | 3 stories and 45 feet |
| 10. Drive Aisle Width | 24' for 2 way traffic/access |

11. Parking (excludes driveways for the purpose of set-back and distance)

1. Spaces per unit per RSIS
2. Set-back from tract property line 20 feet
3. Distance from building 10 feet
4. Parking stall size 9' x 18'

17. Minimum landscaped buffer 25' front yard
20' side and rear yards

e. Very Low, Low and Moderate Income Housing Requirements

1. A minimum set aside of 15% of all units must be deed restricted for occupancy by very, low and moderate income households.
2. Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing.
3. A minimum of 13% of the affordable units shall be very low income units, affordable to households earning 30% of the median income; and 37% of the affordable units shall be low income units. The balance of units (50 percent) shall be moderate income units.
4. Affordable housing units shall be affordable family rentals (not age-restricted) and shall be located in one or more buildings. A Certificate of Occupancy for the affordable building must be issued before the Township is obligated to issue more than 51% of the Certificates of Occupancy for the market rate units. The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

f. Other Requirements

1. Building Design. The design of the buildings shall be residential and not institutional and shall conform to the following:

- a. Architectural elevations and floor plans shall be provided for each type of building.
- b. Maximum length of buildings shall not exceed 225 feet.
- c. Variations in setback, materials, colors and design including breaks in the building façade shall be encouraged to reduce and separate the building mass.
- d. Rooflines shall be pitched. If flat roofs are provided, they shall incorporate design techniques to shield any roof mounted equipment.
- e. All HVAC and mechanical equipment shall be located on the side or rear of each home. If not so located then the HVAC and mechanical equipment shall be adequately screened from view.
- f. All units shall be designed in a unified architectural style.

2. Circulation.

- a. A boulevard street entry shall be provided at the community entrance.

- b. Pedestrian circulation systems shall be designed to extend through the neighborhood and connect with open space and common areas. Sidewalks shall be provided on at least one side of the streets.
- 3. Open Space - A minimum of 20 percent of the tract shall be specifically set aside for conservation, recreation and/or other open space.
- 4. Utilities/Services. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.
- 5. Recreation. For a community less than 90 homes, recreation shall be permitted as a system of walking paths or sidewalks and a tot lot to service the subject property.

Section 4. The review of development applications submitted hereunder shall be expedited and variances other than "d"-type variances, waivers and/or exceptions necessary to achieve approval of an inclusionary development of up to 8 dwelling units per acre shall be reviewed by the Planning Board.

Section 5. If any section of this ordinance is determined to be invalid, such determination shall apply only to that section and the remainder of the ordinance shall be deemed to be valid.

Section 6. This ordinance shall take effect upon passage and publication as provided by law.

Date Introduced:

Date Advertised:

Date Adopted:

Memorandum

To: Hopewell Township Committee
From: Hopewell Township Planning Board
Date: November 14, 2017
Subject: Consistency Review of Redevelopment Plan for Block 85, Lots 3, 4, 5.01, 7 and 24

The Township Committee has forwarded to the Planning Board a Redevelopment Plan establishing two new zones:

- Inclusionary Multi-family (IMF-x) in place of the R-100 Single Family Residential Zone,
- C-1-A Retail Service Zone in place of the C-1 Zone

The IMF-x Zone provides for inclusionary multifamily development of the Zaitz tract, which the Township purchased for affordable housing purposes. The C-1-A Zone permits retail and service uses, not unlike those currently permitted. Thus, the C-I A Zone is substantially consistent with the current C-1 designation in the master plan and only the IMF-x Zone requires further analysis below.

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 lands purchased by Hopewell Township for affordable housing purposes and is part of the Township's 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 R-100 Single Family 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 property was acquired to assist the Township in addressing the constitutional affordable housing obligation.
2. The proposed ordinance improves the balance of land uses sought in the Master Plan.
3. The proposed development contemplated by the proposed zoning standards should result in a compact building layout and design.
4. 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.

Redevelopment Plan

for

Block 85

Lots 3, 4, 5.01, 7 and 24

Hopewell Township

Mercer County, New Jersey

November 2017

Prepared By:

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Date

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1. INTRODUCTION

1.1 BASIS FOR THE PLAN

Pursuant to the requirements of N.J.S.A. 40A:12A-6, and at the direction of the Hopewell Township Committee (Resolution No. 17-174), the Hopewell Township Planning Board undertook a preliminary redevelopment investigation of Block 85, Lots 3, 4, 5.01, 7 and 24 ("Redevelopment Area"), and concluded that these parcels should be designated a non-condemnation area in need of redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5. This conclusion was embraced by the Township Committee, as outlined in Resolution No. 17-299.

This Redevelopment Plan has also been prepared at the direction of the Hopewell Township Committee pursuant to New Jersey's Local Redevelopment and Housing Law (LRHL) for Block 85, Lots 3, 4, 5.01, 7 and 24 ("Redevelopment Area"). These parcels, which occupy the southwest corner of the intersection of Route 31 and Washington Crossing-Pennington Road (CR 546), include over 2,000 feet of frontage on these roadways. (see Figure 1 – Aerial Photo of Redevelopment Area).

The 61-acre Redevelopment Area consists of the five parcels in Block 85:

Lot #	Tax Map Acreage
3	44.08
4	0.68
5.01	10.45
7	0.5
24	5.22
Total Acreage	60.93

The Redevelopment Area is a compliance site in a fair share plan implementing a settlement agreement with Fair Share Housing Center (FSHC) and is an integral part of the Township's plan to address its 1999 – 2025 housing obligation. The FSHC settlement agreement provides that development of this property will include 78 family rental units, affordable to very low, low and moderate income households.

It is noted that Lot 30 in Block 85, which was not enumerated by the Township Committee among the parcels for investigation by the Planning Board and not formally designated an area in need of redevelopment, is held in common ownership with Lot 24 where it is used as a driveway to Route 31 from the Wells Fargo Bank. Since Lot 30 is surrounded by the Redevelopment Area, planning and zoning for Lot 30 is included in this Redevelopment Plan.

1.2 REDEVELOPMENT PLANNING PROCESS

The LRHL details the process that a municipality must follow to utilize the State's redevelopment powers. The adoption of a redevelopment plan is a precondition for the use of these powers, which permit municipalities to plan and zone in a manner that can remedy the blighting effects of underperforming, outdated or obsolete land uses and structures.

After adoption of a redevelopment plan, the municipality may:

- Negotiate and collect revenues from a redeveloper to defray the costs of the redevelopment entity
- Clear any area owned or acquired and install, construct or reconstruct public infrastructure essential to the preparation of sites for use in accordance with the redevelopment plan.
- Contract for professional services.
- Contract with public agencies or redevelopers for the undertaking of any project or redevelopment work.
- Lease or convey property or improvements to any party without public bidding.

According to the Local Redevelopment and Housing Law (NJSA 40A: 12A-1, et seq.), the Redevelopment Plan shall include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definitive local objectives, including appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements;
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area;
4. Identification of properties to be acquired, if any;
5. Any significant relationship of the Redevelopment Plan to Master Plans of contiguous municipalities, the County and the State Development and Redevelopment Plan;
6. Enumeration of deed-restricted affordable units in the redevelopment area and their disposition.

Redevelopment Planning Process In New Jersey NJ.S.A. 40A:12A-1 et seq.

1. Governing Body
by resolution directs the Planning Board to undertake a preliminary investigation of whether an area meets redevelopment criteria and to conduct a public hearing

2. Planning Board
examines the study area and maps the boundaries of proposed redevelopment area(s) along with the basis for the investigation

3. Planning Board
sets a date for a public hearing and gives public notice describing the boundaries of the area, and where the map is available for public inspection

4. Planning Board
completes the public hearing and recommends to governing body whether to designate all or part of study area as an area in need of redevelopment

5. Governing Body, if in agreement with Planning Board recommendation, adopts a binding resolution designating all or part of a proposed area as a redevelopment area

6. Governing Body
authorizes preparation of a redevelopment plan

7. Planning Board
reviews the redevelopment plan for consistency with Master Plan

8. Governing Body
holds a public hearing and adopts the Redevelopment Plan by Ordinance

1.3 OVERVIEW OF REDEVELOPMENT AREA

Hopewell Township occupies the northwest corner of Mercer County, and is afforded advantageous regional highway access via I-95, which straddles the Township's southern boundary. Route 31 is a direct conduit between the Redevelopment area and I-95, which is situated less than one mile south.

The existing conditions on the parcels-in-question are as follows:

Lot 3 is a 44-acre Township-owned parcel consisting of farm fields and woodlands. It was acquired for the production of affordable housing. Access is informal and provided via a farm driveway to CR 546.

Lot 4 is a 2/3-acre parcel occupied by a 3-bay gas station. The service bays have not been converted to convenience retail as is frequently the case, and over the past several years there have been numerous attempts at a repair business that have all closed within a few months. The site is covered with building and paving and has multiple driveways to CR 546 and Route 31.

Lot 5.01 is a 10.45-acre parcel developed with a Shop Rite supermarket. Situated at the southeast corner of the Route 32/CR 546 intersection, the access to Shop Rite is complicated by the irregular alignment of a series of driveways that are confusing to unfamiliar drivers and which encourages cross-movements that are a safety hazard. This is most evident when vehicles exiting Shop Rite attempt to enter the circle and cross southbound Route 31 traffic.

Lot 7 is a small (1/2 acre) triangular lot that adjoins Shop Rite along the Route 31 frontage. It is not in use at this time.

Lot 24 is a 5.5-acre parcel occupied by Wells Fargo Bank. The bank building and its associated driveways and parking occupy a small portion of the lot in the northeast corner, with most of the lot remaining as woodland.

Figure 2 illustrates the land use character on and immediately adjoining the Redevelopment Area in Hopewell Township, and Figure 3 – "Property Tax Class" illustrates the tax classification for each parcel. The character and extent of land uses surrounding the PQ can be briefly summarized as follows:

To the west – single family homes fronting upon CR 546

To the north - single family homes on CR 546, a gas station on Route 31

To the east – medical offices, convenience/gas

To the south – vacant lot on Route 31, Township open space

The Redevelopment Area's proximity to I-95 gives it advantageous regional accessibility that will benefit all proposed uses.

1.4 OVERVIEW OF REDEVELOPMENT PLAN

Situated roughly ½ mile south of Pennington Borough, the Pennington Circle, while recently upgraded, is nonetheless still plagued with a multiplicity of driveways to adjoining land uses. While these driveways occur on both northbound and southbound legs of the circle, including the liquor store to the north and convenience gas to the east, the concentration of traffic-interrupting driveways is most densely clustered on the parcels in question, between Wells Fargo Bank and Shop Rite. Access to Shop Rite is complicated by the irregular alignment of a series of driveways that are confusing to unfamiliar drivers and that encourage cross-movements that are a safety hazard.

Comprehensive redevelopment of these commercial sites is encouraged, in part to reduce the number of driveways and optimize driveway locations – both key factors in improving traffic flow and safety. Inclusionary residential development is also planned within the Redevelopment Area, as seen on Figure 4, “Land Use Plan”, which indicates the distribution of future land uses within the Redevelopment Area.

Figure 5, “Circulation Plan”, depicts the conceptual approach to providing enhanced access to regional travelers, local residents and occupants of the Redevelopment Area. This plan will reduce the number of driveways to Route 31 and relocate the Shop Rite driveways to eliminate traffic safety hazards associated with the current flow pattern.

This Redevelopment Plan creates an inclusionary multi-family residential zone on the largely undeveloped acreage and provides for an upgraded community-serving retail node in the area of existing commercial uses. These combined uses advance a variety of local community planning objectives, including the provision of affordable housing as part of a balanced housing plan. Other objectives include improving traffic safety and access, by reducing the proliferation of driveways on and near the circle and eliminating irregular driveway alignments affecting traffic safety at the Route 31 Circle.

2. CONTEXT, VISION AND GOALS

2.1 CONTEXT

The 2009 Hopewell Township Land Use Plan, which echoes the goals, objectives and policies of the 2002 Hopewell Township Master Plan, includes most of the Redevelopment Area within the R-100 Zone (44 acres) which permits single-family homes on lots as small as 20,000 square feet¹. The remainder of the Redevelopment Area (17 acres) is located in the Neighborhood Retail (C-1) Zone, which permits a variety of retail and service uses on lots of at least 80,000 square feet. The C-1 Zone was created to recognize existing retail uses that can serve local retail needs while preventing further strip commercial development. The C-1 Zone was also designed to assist in the development of lower income housing.

¹ The ordinance permits a cluster provision on 7,000 square foot lots.

At the time of adoption of the 2002 Master Plan and the 2009 Land Use Plan, Hopewell Township had no reliable guidance regarding its post 1999 affordable housing obligation. Nonetheless, Hopewell Township's continuing efforts to address its post 1999 constitutional fair share obligation resulted in 149 post-1999 affordable units and credits.

The Township has recently received Court approval to address a 1999–2025 affordable housing obligation of 1,141 low- and moderate-income housing units and, after substantial deliberation, has determined that the subject property is an appropriate site to permit higher-density inclusionary development.

The property is well-situated to provide for inclusionary residential development, having sufficient developable land to accommodate the buildings, parking and amenities and all necessary infrastructure and advantageous regional highway access.

This Plan establishes the vision for redevelopment of the property and identifies opportunities and constraints specific to the site. It also identifies the intended future uses, their arrangement and design and method of implementation of the plan.

2.2 GOALS & OBJECTIVES

This Redevelopment Plan is a key component of Hopewell Township's comprehensive strategy to address its affordable housing obligation. This Plan aims to:

- Aid Hopewell Township in addressing its affordable housing obligation (1999-2025) through creation of a planned neighborhood of higher-density inclusionary housing at the site (IMF-X)
- Encourage redevelopment with relocated and improved driveway access to ameliorate traffic safety hazards at and near the Rt. 31 circle
- Advance Hopewell's long-standing goal to provide a wider variety of housing types within the Township
- Guide redevelopment on the property to ensure that the new housing opportunities created will be desirable and marketable
- Provide development standards that facilitate the construction of affordable housing, improve the character of commercial development and protect the character of surrounding areas of Hopewell Township.
- Encourage aesthetically pleasing architectural design, layout and finishes
- Lay out a vision for redevelopment that incorporates strategies to create a "sense of place" at the property
- Examine planning documents from surrounding municipalities, Mercer County and NJ SDRP for consistency

2.3 VISION

Market trends are demonstrating an increasing demand for alternatives to single family homes on individual lots. The “bookend generations” – Baby-boomers and Millennials – are seeking out these alternatives and are looking for more walkable locations. This Redevelopment Area is an attractive mixed use redevelopment opportunity, including housing and commercial uses in a new neighborhood with proximity to I-95 and surrounding regional employment, shopping and recreation.

A new neighborhood of aesthetically pleasing, low-maintenance apartments and townhouses will promote an active lifestyle and will respond to the housing needs of a broad cross section of the population. Amenities will include recreation facilities, including a clubhouse, tot lot, walkways and bike paths. These units will also bring residents who come to the Township looking for its many attributes and may later choose to buy a home here.

The units will be arranged to maximize connectivity and echo a traditional neighborhood design, with a central green that is well-defined by use of “street walls.” Amenities including recreational buildings, clubhouses, tot lots, barbeque patios and other common areas will be connected with pathways to promote walking and bicycling on site. With a focus on design that promotes the health, happiness and wellbeing of residents, the IMF-X zone puts a special emphasis on human-scale streetscape elements (such as benches and streetlights) and landscaping that incorporates native plants, trees and shrubs. This Redevelopment Plan also seeks to reform the character of existing commercial development on Route 31, improve accessibility and highway safety and provide for a range of multiple family housing types that appeal to households of varying sizes, ages, and income levels.

The CA-1-A zone is intended to encourage redevelopment of commercial properties with relocated and improved driveway access that will make this section of Route 31 safer and more efficient. This redevelopment area is also deemed an appropriate location for a convenience store dispensing motor fuels, when designed to adequately accommodate the use.

2.4 REDEVELOPMENT PLAN’S RELATIONSHIP TO HOPEWELL TOWNSHIP MASTER PLAN

Hopewell Township has spent the past several years examining opportunities for affordable housing to address its constitutional fair share obligation. Primary among the Township’s objectives has been the identification of realistic opportunities for the creation of affordable housing. Block 85, Lots 3, 4, 5.01, 7 and 24 have been found to provide such an opportunity through inclusionary residential development.

This Redevelopment Plan is consistent with the following basic principles of the 2002 Master Plan and its goals and objectives:

- a. A variety of housing and a balance of opportunities to live, work and play in safe and attractive surroundings should be provided in part by identifying locations and developing criteria for mixed use development.

Rationale: The rezoning of this site will expand and diversify the local housing stock and will assist low and moderate-income households in finding decent, safe, affordable housing. It will also assist young people and older households of all income levels looking to live in a high-quality rental community with upscale amenities.

- b. An efficient circulation system that promotes important circulation linkages, retains the character of the rural road network and provides for safe vehicular, pedestrian, equestrian and bicycle movements should be maintained.

Rationale: The redevelopment of the subject property is an efficient use of the existing highway system and will improve future access options through this portion of the Township. In addition, train service to New York, Philadelphia and throughout the Northeast Corridor is available within a short ride. A network of pedestrian and bicycle pathways will be incorporated into the neighborhood design.

In addition, the redevelopment of the parcels-in-question will enhance the safety of vehicular, pedestrian and bicycle traffic by reducing the number of driveways on and near the circle and eliminating irregular and hazardous driveway alignments at the Route 31 Circle.

- c. Farmland and open lands should be retained and the impacts of development should be limited throughout the valley and mountain areas in part by allowing the use of techniques to encourage development to designated villages and hamlets.
- d. To protect the rural character and unique sense of place of the Township.

Rationale: The subject property is not in the rural Valley or Mountain zones, where farmland and other land preservation is a Township priority. Compact development in locations like this helps limit development impacts in the remaining rural areas.

- e. To promote the goals and objectives of Hopewell Township through the incorporation of local policies and strategies that respond to the basic premises, intent and purposes of the State Development and Redevelopment Plan and the Mercer County Master Plan.

Rationale: Pursuant to the settlement agreement between Hopewell Township and FSHC, the subject property will be an integral part of the Township's response to its affordable housing obligation. The State Planning Commission has placed the site in Planning Area 2, an area in which the State Development and Redevelopment Plan (SDRP) encourages growth and the production of inclusionary development. The Mercer County Master Plan supports the goals and objectives of the SDRP. More information about how this Redevelopment Plan

relates to the SDRP and Mercer County's Master Plan can be found in section 6, Plan Consistency Review.

- f. To continue and expand upon land use policies that promote controlled development at suitable locations and appropriate intensities by directing and limiting the more intense development to areas where sanitary sewer service and public water supplies exist or are planned, and by discouraging the extension of growth-inducing infrastructure into rural areas.

Rationale: The SDRP locates the site in Planning Area 2, a location where infrastructure is planned and growth is encouraged. The site is particularly appropriate for higher density housing due to:

- its immediate access to State Route 31 and proximity to Interstate 95
- the ability to provide public water and sewer to the site (located within ELSA sewer service area)

- g. 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.

Rationale: Over the past 40 years, household sizes have been steadily decreasing, while there has been an increase in the percentage of older households. The demographic trends indicate that virtually all of New Jersey's growth over the next 20 years will be in smaller households that are under 35 and over 55. These are households that tend to rent, and demographers that study changes in household formation on housing demand project a strong increase in demand for rental housing.

Regarding the younger households, the Joint Center for Housing Studies at Harvard University concludes:

Meanwhile, the aging of the millennial generation over the coming decade will lift the number of households in their 30s by 2.4–3.0 million, depending on immigration trends. But these numbers vastly understate the impact of this group on housing demand since they will account for most newly formed households in the coming decade. Indeed, the millennials will make up fully 24 million new households between 2015 and 2025, *thus driving up demand for rentals and starter homes.*² (emphasis added)

In addition, the Joint Center for Housing Studies at Harvard University notes the following national trend regarding rentals:

Two broad trends will drive future growth in renters: the imminent surge in the number of older households and the increasing racial/ethnic diversity of younger age groups. Over the coming decade, the number of

² State of the Nation's Housing, 2014, page 16.

renters aged 65 and older is projected to rise by about 2.2 million and account for roughly half of all renter growth. *The aging of the population also means that the share of renters that are single persons or married couples without children will soar.*

The redevelopment at the subject property thus responds not only to a wide range of incomes, but also to the varying household size and age characteristics, and emerging demographic trends that will continue to impact the Township and the region.

- h. 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.

Rationale: The redevelopment of the subject property is an integral part of a settlement to address the Township's 1999 – 2025 fair share. It is located adjacent to Interstate 95; this direct connection to a major highway will connect residents to regional employment opportunities. A relatively short drive allows residents access to direct train service to Philadelphia, New York and throughout the Northeast Corridor.

- i. 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.

Rationale: The IMF-X zone provides an opportunity to expand the range and diversity of Hopewell's housing supply and includes townhouses and apartments serving a wide range of housing needs. The subject property lies within the ELSA sewer service area.

- j. To establish transportation policies and programs that improve connections among housing, employment and commercial uses, including provisions for vehicular and pedestrian travel and bicycle paths.

Rationale: The subject property is consistent with this goal in that the housing has easy access to employment and commercial opportunities through its location on Route 31 and proximity to the Interstate 95 interchange. Pedestrian and bicycle circulation systems will be incorporated in the design to connect open space and common areas.

- k. To control development in rural areas so that traffic will not exceed the capacity of the existing rural road network and historic bridges to provide safe, efficient and convenient traffic movements based on rural road service standards designed to maintain the character of the community.

Rationale: The use of the subject property as a commercial and multi-family inclusionary housing site will limit traffic on rural roads because of its direct access to State Route 31 and proximity to Interstate 95.

The spirit of Hopewell Township's Master Plan goals and objectives has served to guide this Redevelopment Plan, ensuring it promotes the Township's long-standing goals and objectives, and that the resulting redevelopment will harmonize with established nearby neighborhoods and preserve the high quality of life in Hopewell.

3. LAND USE AND BUILDING REQUIREMENTS WITHIN THE REDEVELOPMENT AREA

This Redevelopment Plan shall supersede Hopewell's Land Use and Management Ordinance (Chapter 17) in the event of conflict. The general standards set forth in the Hopewell Township Land Use Ordinance shall continue to apply except when inconsistent with the standards set forth in this Redevelopment Plan.

This Redevelopment Plan provides for the development of a new multi-family residential inclusionary community within the residential portion of the Redevelopment Area and a realignment of access to commercial uses within a new C-1-A Zone. The IMF-X Zone will permit multiple family residential development on at least 30 acres and must include at least 78 non-age restricted rentals, affordable to very low, low and moderate income households. In accordance with Hopewell Township Ordinance #17-1670, an additional 30 non-age restricted rentals, affordable to very low, low and moderate income households may be constructed on this site in the event deemed necessary in accordance with the settlement of litigation (Docket No. MER-L-1557-15).

Appropriately integrated architectural themes shall be utilized throughout the development and redevelopment, including all principal and accessory buildings, structures and signage.

3.1 IMF-X ZONE

3.2 IMF-X ZONE PERMITTED USES

Principal permitted uses are intended to create a vibrant mixed-income multi-family neighborhood and include a variety of multi-family dwelling types, including:

- garden apartments
- townhouses
- stacked townhouses
- stacked flats

Accessory uses include utility structures and facilities, off-street parking facilities, solid waste facilities and structures designed for recreation or community use, private garages and carports, a swimming pool with outdoor dining area, dog runs, tot lots and pedestrian and

bicycle paths. There shall be a community clubhouse with fitness room and club room, as well as a furnished model, management and leasing offices and maintenance facilities.

Monument signs, which may be located at the entrance to the development, shall not be internally illuminated and shall be constructed of stone or brick, not to exceed 100 square feet in area and eight (8) feet in height.

3.3 IMF-X ZONE BULK AND AREA REQUIREMENTS

A. Min. Lot Area (Tract)	30 Acres
B. Min. Residential Lot Area	NA
C. Min Lot Width (Tract)	100 Feet
D. Min Lot Depth (Tract)	125 Feet
E. Min Front Yard Setback (Tract) ¹	75 Feet
F. Min Side Yard Setback (Tract) ¹	40 Feet
G. Min Rear Yard Setback (Tract) ¹	50 Feet
H. Min. Setback from Buildings Onsite:	
Front to Front	60 Feet
Front to Side	40 Feet
Side to Side	20 Feet
Rear to Rear	50 Feet
Rear to Side	30 Feet
I. Min. Building Setback to Roadway ²	15 Feet
J. Max. Building Coverage (residential)	30%
K. Max. Impervious Coverage	60%
L. (Residential Lot Coverage)	
M. Max. Building Height	45 Feet / 3-stories ³
N. Maximum Gross Residential Density	12 units / acre
O. Maximum Units per Building	
Traditional Townhouse	8 units / bldg.
Stacked Townhouse	18 units / bldg.
Multi-Family Building	30 units / bldg.
P. Parking Setbacks:	
From Building	10 Feet
From Property Line	5 Feet
From Existing Public Street	25 Feet
Q. Parking Spaces: Number	Per RSIS
R. Parking Stall Size	9 FT x 18 FT
S. Drive Aisle Width	24 Feet
T. Clubhouse:	
Size	Min. 2.5 SF / Unit
Parking	Min. 1/20 Units
Pool Size	Min. 2.5 SF / Unit

1. Patios, decks, and fences permitted to be located within building setbacks except no closer than 10 feet to any tract boundary.
2. Open porches and stairs permitted to be located closer to roadway.
3. Max. Building Height South of the Transcontinental Gas Pipeline Right-of-Way shall be 55 feet/4 Stories

3.4 IMF-X ZONE VERY LOW, LOW AND MODERATE INCOME HOUSING REQUIREMENTS

- A. Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing. A minimum of 13% of the affordable units shall be very low income units, affordable to households earning 30% of the median income; and 37% of the affordable units shall be low income units. The balance of units (50 percent) shall be moderate income units.
1. Affordable housing units shall be affordable family rentals and shall not be age-restricted.
 2. The affordable housing units shall be located in more than one building.
 3. The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.
 4. There shall be a control period pursuant to N.J.A.C. 5:80-26.11 of not less than 40 years for all affordable units.

3.5 OTHER REQUIREMENTS - IMF-X ZONE

- A. **Building Design.** The design of the buildings shall be residential and not institutional and shall conform to the following:
1. Architectural elevations and floor plans shall be provided for each type of building.
 2. Maximum length of buildings shall not exceed 225 feet.
 3. Variations in setback, materials, colors and design including breaks in the building façade shall be encouraged to reduce and separate the building mass.
 4. Pitched roofs are preferred. If flat roofs are provided, best efforts shall be made to incorporate green design techniques (green roofs, solar) and to shield any roof mounted equipment.

5. All HVAC and mechanical equipment shall be located on the side or rear of each home. If not so located, then it shall be adequately screened from view.
6. All multiple family dwelling buildings and all accessory buildings and structures, including signs, shall be designed in a unified architectural style.
7. Building design shall include spare electrical conduit to permit future installation of rooftop mounted solar.

B. Circulation.

1. A boulevard street entry shall be provided.
2. Pedestrian and/or bicycle circulation systems shall be designed to extend through and connect with open space and common areas. Sidewalks shall be provided on at least one side of the streets throughout the community.

C. Open Space.

1. A minimum of 20 percent of the tract shall be specifically set aside for conservation, recreation and/or other open space which shall include any area available for civic uses and restricted due to utility easements.
2. No more than one-half of the minimum 20 percent of land area may be wetlands, wetlands buffer, 100-year flood plains or lands with a topographic slope of 15 percent or greater.
3. The site landscape design shall include a component to assist the township in meeting Tree City qualifications.

D. Utilities/Services. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.

E. Stormwater. Stormwater designs shall be in a form as naturalized as possible and shall promote water quality, minimize maintenance and provide for groundwater recharge.

3.6 C-1-A ZONE

3.7 C-1-A ZONE PERMITTED USES

Principal permitted uses, which include a variety of office, retail and service uses, including grocery stores, banks, restaurants and shopping centers are intended to encourage redevelopment of these commercial properties with relocated and improved driveway access

that will make this section of Route 31 safer and more efficient. This redevelopment area is also deemed an appropriate location for a convenience store dispensing motor fuels, when designed to adequately accommodate the use.

3.8 C-1-A ZONE BULK AND AREA REQUIREMENTS FOR COMMERCIAL USES OTHER THAN CONVENIENCE STORES DISPENSING MOTOR FUEL

1. Minimum lot size: 1 acre
2. Minimum lot width: 200 feet
3. Minimum lot depth: 150 feet
4. Minimum front yard setback:
 - a. Buildings up to 20,000 s.f.: 50 feet
 - b. Buildings greater than 20,000 s.f.: 200 feet
 - c. Fuel canopy or storage tanks: 15 feet
5. Minimum westerly building setback: 60 feet
6. Minimum southerly building setback: 40 feet
7. Maximum building height: 40 feet
8. Maximum floor area ratio: 0.20
9. Maximum lot impervious coverage: 70%
10. Minimum parking setback:
 - a. From streets: 5 feet
 - b. From adjacent lot lines: 10 feet
 - c. From residential zones and uses: 25 feet

3.9 C-1-A ZONE BULK AND AREA REQUIREMENTS FOR CONVENIENCE STORES DISPENSING FUEL

- A. Minimum lot size: 1.5 acres.
- B. Maximum building size: 6,500 square feet.
- C. Maximum number of fueling stations: eight dispensers with two fueling positions at each.
- D. Maximum height for convenience store building: 35 feet, exclusive of towers, cupolas or other architectural elements
- E. Maximum height for fuel area canopy: not to exceed height of convenience store building.
- F. Parking: minimum of one space for each 300 square feet of building footprint, plus one space for each employee on the most heavily-staffed shift. Additional parking shall be provided where needed to enhance internal circulation and eliminate stacking at driveways.

3.10 C-1-A ZONE SIGN REQUIREMENTS FOR CONVENIENCE STORES DISPENSING MOTOR FUEL

- A. Free Standing signs: one free standing pole sign at the driveway of each street frontage, with fuel pricing, maximum area of 100 square feet, maximum height of 20 feet and minimum set back of 5 feet from any street.

- B. Façade sign: Two façade signs, one each on the front and back of the building, not to exceed 20 % of the front wall area.
- C. Canopy signs: maximum of three canopy signs, no wider than the width of the canopy, located on, or under or on the side of, the canopy facing the front or side street.

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3.11 VARIANCES AND INAPPLICABLE ORDINANCES

- A. The Planning Board is authorized to grant (C) variances from the redevelopment standards and other zoning standards that are not superseded by the redevelopment plan. The Planning Board is also authorized to grant waivers from design standards.
- B. In order to achieve the number of affordable units and related market rate units provided for in the settlement agreement, the site design may require deviation from strict application of certain municipal design standards. In all cases, NJDEP Flood Hazard Area rules, wetland rules including wetland buffers shall be complied with. Should deviations from stream corridor standards be necessary, stream corridor averaging shall be used to minimize the total area of stream corridor that is lost because of the deviation.
- C. The developer of the redevelopment area may also request relief from other cost generative features of land use ordinances.

3.12 MUNICIPAL COOPERATION WITH UTILITIES

- A. The Township shall confirm in writing its support of submission and applications for all utilities (specifically water and sewer) and all necessary government agency or private utility approvals related to all aspects of the development within five (5) business days of a written request for such support from the developer. Specifically, the Township shall assist the developer in discussions with ELSA, Mercer County, NJDOT, NJDEP, the DRCC and any other public or private entity with which the developer must deal in order to develop the subject property, including any effort the developer may make to decrease the fees charged by ELSA. The Township shall assist in acquiring rights-of-way or easements if necessary. The township will support the use of other redevelopment tools as prescribed by law.

4. REDEVELOPMENT ACTIONS

4.1 OUTLINE OF PROPOSED ACTIONS

Construction of new structures and other improvements shall take place as proposed in this Redevelopment Plan. The redeveloper will be required to enter into a Redeveloper's Agreement with the Township that stipulates the precise nature and extent of the improvements to be made and their timing and phasing shall be governed as permitted therein.

4.2 PROPERTIES TO BE ACQUIRED

This Redevelopment Plan shall not require Hopewell to acquire any privately-owned property within the Redevelopment Area.

4.3 RELOCATION

This Redevelopment Plan will not displace or relocate any residents within the Redevelopment Plan Area.

4.4 ADMINISTRATIVE PROVISIONS

Redevelopment activities within the Redevelopment Area shall comply with all requirements in any executed redevelopment agreement between a designated redeveloper and the Township of Hopewell.

5. PLAN CONSISTENCY REVIEW

5.1 RELATIONSHIP TO MASTER PLANS OF ADJOINING MUNICIPALITIES

The Redevelopment Area is not adjacent to any of Hopewell Township's borders, and will have no impact on the zone plans of these municipalities, since the Redevelopment Area is situated more than one mile from the closest municipal neighbors, Ewing and Lawrence Townships.

5.2 RELATIONSHIP TO THE MERCER COUNTY MASTER PLAN

The Mercer County Master Plan (amended in 2016) supports the basic goals, objectives and strategies of the State Development Redevelopment Plan. It focuses on combatting urban sprawl and capitalizing on available transportation infrastructure. The use of the subject property for inclusionary development is consistent with the following housing and transportation goals (MCMP pages 30 and 32):

1. Focus on housing needs of the work force.
2. Address the housing needs of both lower-income and moderate-income households
3. Through planning efforts, continue to make efficient use of existing road infrastructure including the implementation of access management concepts to maximize the efficiency of the existing roadway system.

5.3 RELATIONSHIP TO STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The site lies in Planning Area 2 (PA2). The SDRP envisions itself as a growth management plan and PA2 is one of the areas in which the SDRP promotes growth, including higher density inclusionary development. PA2 is a preferred location for inclusionary development. The SDRP's goals for PA-2 include:

- a. Guiding development in more compact forms,
- b. Encouraging densities that promote transit,
- c. Providing for a full range of housing choices, and
- d. Encouraging redevelopment.

The intent of the State Plan for PA 2 is to:

- Provide for much of the State's future development
- Promote growth in Centers and other compact forms
- Protect the character of existing stable communities
- Protect natural resources
- Redesign areas of sprawl
- Reverse the current trend toward further sprawl
- Revitalize cities and towns

The State Plan, which provided the organizing principles around which the Township's 2002 Master Plan was developed, encourages incentives for beneficial development in PA-2 that protects resources and community character. Policy objectives for Redevelopment in Planning Area 2 include retrofitting existing developed areas and developing at higher residential densities, both proposed here.

The adopted housing policies of the State Development and Redevelopment Plan (SDRP) are specifically advanced by this redevelopment plan, as seen in the highlighted excerpt below:

#6. Housing – *Preserve and expand the supply of safe, decent and reasonably priced housing* while meeting the constitutional mandate with respect to affordable housing through improved planning, regulatory reform, supportive infrastructure investments, housing subsidies, tax and discounted fee incentives and municipal property tax relief in ways that are consistent with the vision and goals of the State Plan. (emphasis added)

6. GENERAL PROVISIONS

6.1 AMENDMENT TO ZONING MAP AND LAND DEVELOPMENT ORDINANCE

The Zoning Map of the Township of Hopewell is hereby amended to indicate the location of the Inclusionary Multifamily Development IMF- X Zone and to reference this Redevelopment Plan.

6.2 DEFINITIONS

The “Definitions” section of the Township’s Land Development Ordinance shall govern unless a word is otherwise defined herein.

For purposes of this plan, *Convenience Stores Dispensing Motor Fuel*, are hereafter defined as follows: a retail establishment operating 24 hours per day, 7 days per week, offering for sale prepackaged food products and grocery items, hot and cold made-to order drinks, freshly prepared foods, including sandwiches, soups and salads, household items, tobacco products, newspapers and magazines, in-store ATM and lottery, and which includes outside facilities for dispensing motor fuels, gasoline and diesel fuel for light trucks and passenger vehicles under a lit canopy. No servicing of motor vehicles is permitted, although up to two external air pumps may be provided.

6.3 VARIANCE REQUESTS

Hopewell Township’s Master Plan goals and policies have been designed to permit managed growth in appropriate locations and to protect the many valuable environmental and cultural features of the natural and man-made landscape. These primary objectives continue to govern this redevelopment plan.

Within this context, the Hopewell Township Planning Board may grant variances from the regulations within this Redevelopment Plan, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, the strict application of any bulk regulation adopted pursuant to this Redevelopment Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the redeveloper.

The Hopewell Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan.

An application for site plan approval shall provide public notice of such application and shall further identify all requested variances from the regulations contained herein.

Notwithstanding the above, no variances shall be granted that would permit a use or principal structure not permitted by the Redevelopment Plan or an increase in the maximum permitted floor area ratio or an increase in the maximum permitted height of a principal structure by more than 10 feet or 10%, whichever is less, which can only be modified by a duly adopted amendment to this Redevelopment Plan.

6.4 REQUESTS FOR DESIGN EXCEPTIONS

The Hopewell Township Planning Board may grant design exceptions from the regulations contained within this Redevelopment Plan as may be reasonable and within the general purpose and intent of this Redevelopment Plan or if the literal enforcement of one or more provisions is impractical or will exact undue hardship because of peculiar conditions related to the property in question.

6.5 SITE PLAN AND SUBDIVISION REVIEW

Within the Redevelopment Area, subdivisions and/or site plans providing for the demolition of existing improvements and construction of new buildings and other improvements shall be prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and shall be submitted by the redeveloper for review and approval by the Township of Hopewell Planning Board.

To assure the comprehensive and Township-coordinated development of the Redevelopment Area, any site plan presented to the Hopewell Planning Board shall be consistent with the terms of this Redevelopment Plan and shall include at least the following elements:

- An overall concept plan for the Redevelopment Area identifying land use types, building heights, floor areas of each building and the number of residential units.
- Architectural elevations, renderings and floor plans.
- A streetscape plan, indicating the overall design, locations and materials to be used, including pavements, trees and other plantings and any street furniture.
- Parking, loading and vehicular access plan. A traffic circulation analysis shall analyze traffic conditions in the project vicinity and identify existing traffic problem areas as well as the cumulative effect of traffic from the redevelopment area on adjacent and affected roadways. Shared parking arrangements are permissible, subject to a showing of parking sufficiency.
- Landscape plan.
- Utility plan.

- Stormwater management plan.
- Lighting plan.
- Phasing plan.

No permits shall be issued for construction of buildings within the Redevelopment Area until the Hopewell Planning Board has granted final site plan approval for such improvements.

The criteria for the consideration and approval of the site plan shall be in conformance with the requirements of this Redevelopment Plan, the site plan provisions of the Township of Hopewell Land Use and Development Ordinance and the executed Redevelopment Agreement between the redeveloper and the Township of Hopewell.

6.6 AFFORDABLE HOUSING

Any redeveloper of Block 85, Lot 3 shall be required to build and deed-restrict according to COAH requirements at least 78 dwelling units as affordable housing, in any redevelopment agreement between the redeveloper and the Township of Hopewell. In accordance with Hopewell Township Ordinance #17-1670, an additional 30 non-age restricted rentals, affordable to very low, low and moderate income households may be constructed on this site in the event deemed necessary in accordance with the settlement of litigation (Docket No. MER-L-1557-15).

6.7 ADVERSE INFLUENCES

No use shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

6.8 NON-DISCRIMINATION PROVISIONS

No covenant, lease, conveyance or other instrument shall be affected or executed by the Township Committee or by any redeveloper or any of his successors or assignees, whereby the sale, lease, use or occupancy of land within the Redevelopment Area is restricted on the basis of race, creed, color, sexual orientation or national origin. Appropriate covenants, running with the land in perpetuity, shall prohibit any such restrictions and shall be included in the disposition instruments.

6.9 DURATION OF THE PLAN

The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restrictions with respect thereto shall be in effect for a period of 30 years from the date of approval of this plan by the Township Committee.

7. OTHER PROVISIONS

7.1 STATEMENT ABOUT REDEVELOPMENT

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the Plan objectives.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.
- The Redevelopment Plan does not envision a need to acquire privately-owned properties or to relocate any residents or businesses.
- The Redevelopment Plan is substantially consistent with the Master Plan for the Township of Hopewell, which has long sought to provide its fair share of affordable housing and has focused attention on the Route 31 corridor needs for improvement. This plan will provide affordable housing and allow better and safer travel on the State and County roads that provide access to the redevelopment area. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment.
- This Redevelopment Plan shall supersede all provisions of the Zoning and Land Development Regulations of the Township of Hopewell regulating development in the area addressed by this Redevelopment Plan, except where stated otherwise within the text of this Plan. Final adoption of this Plan by the Township Committee shall be considered an amendment of the Township of Hopewell Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

7.2 PROCEDURE FOR AMENDING THE APPROVED PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A non-refundable application fee shall be paid pursuant to site

plan fee schedule found in Section 10-1 "Fees" by the party requesting such amendment, unless the request is issued from any agency of Hopewell Township. The Township Committee, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.

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7. Barbeque patios.
8. Off-street parking facilities.
9. Solar panels.
10. Community clubhouse with fitness room, club room, business center and furnished model.
11. Management and leasing offices.
12. Maintenance office/garage building not to exceed one (1) story in height and 1,500 square feet in floor area. The façade design shall match the residential structures.
13. Solid waste and recycling facilities.
14. Monument signs located at entrance to be constructed of stone or brick, not to exceed 100 square feet in area and eight (8) feet in height.
15. Utility structures and facilities needed to provide the direct service of gas, electricity, telephone, water, sewerage and cable television.
16. Temporary sales model homes within the respective home types, including related direction signage to identify the home(s) as a model.
17. One temporary construction trailer and one temporary marketing/sales trailer.
18. Patios and decks directly adjacent to the rear of any homes, which shall also be permitted to be located within building setbacks.
19. Privacy fences separating the townhomes shall not exceed ten (10) feet in length and shall not enclose a patio.
20. Such other accessory uses customarily incidental to the uses permitted herein, however outdoor storage (furniture, etc. that are functional and which can be accommodated on a deck or patio) is not permitted. Freestanding or attached storage sheds outside of a patio or deck are not permitted.

C. Bulk and Area Requirements

A. Min. Lot Area (Tract)	30 Acres
B. Min. Residential Lot Area	NA
C. Min Lot Width (Tract)	100 Feet
D. Min Lot Depth (Tract)	125 Feet
E. Min Front Yard Setback (Tract) ¹	75 Feet
F. Min Side Yard Setback (Tract) ¹	40 Feet
G. Min Rear Yard Setback (Tract) ¹	50 Feet
H. Min. Setback from Buildings Onsite:	
Front to Front	60 Feet
Front to Side	40 Feet
Side to Side	20 Feet
Rear to Rear	50 Feet
Rear to Side	30 Feet
I. Min. Building Setback to Roadway ²	15 Feet
J. Max. Building Coverage (residential)	30%
K. Max. Impervious Coverage	60%

L. (Residential Lot Coverage)	
M. Max. Building Height	45 Feet / 3-stories ³
N. Maximum Gross Residential Density	12 units / acre
O. Maximum Units per Building	
Traditional Townhouse	8 units / bldg.
Stacked Townhouse	18 units / bldg.
Multi-Family Building	30 units / bldg.
P. Parking Setbacks:	
From Building	10 Feet
From Property Line	5 Feet
From Existing Public Street	25 Feet
Q. Parking Spaces: Number	Per RSIS
R. Parking Stall Size	9 FT x 18 FT
S. Drive Aisle Width	24 Feet
T. Clubhouse:	
Size	Min. 2.5 SF / Unit
Parking	Min. 1/20 Units
Pool Size	Min. 2.5 SF / Unit
1. Patios, decks, and fences permitted to be located within building setbacks except no closer than 10 feet to any tract boundary. 2. Open porches and stairs permitted to be located closer to roadway. 3. Max. Building Height South of the Transcontinental Gas Pipeline Right-of-Way shall be 55 feet/4 Stories	

D. Very Low, Low and Moderate Income Housing Requirements

Very low, low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing. A minimum of 13% of the affordable units shall be very low income units, affordable to households earning 30% of the median income; and 37% of the affordable units shall be low income units. The balance of units (50 percent) shall be moderate income units.

1. Affordable housing units shall be affordable family rentals and shall not be age-restricted.
2. The affordable housing units shall be located in two or more buildings.
3. The Township designated Affordable Housing Administrator shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

E. Other Requirements

1. Site Design

Any application for development or redevelopment shall include at least the following elements:

- A. An overall development plan for the Redevelopment Area identifying land use types, building heights, floor areas of each building and the number of residential units.
- B. Architectural elevations, renderings and floor plans.
- C. A circulation and streetscape plan, indicating the overall design with a boulevard street entry, and locations and types of materials to be used, including pavements, trees and other plantings and any street furniture. Pedestrian and/or bicycle circulation systems shall be designed to extend throughout the development and connect with open space and common areas.
- D. Parking, loading and vehicular access plan. A traffic circulation analysis shall analyze traffic conditions in the project vicinity and identify existing traffic problem areas as well as the cumulative effect of traffic from the redevelopment area on adjacent and affected roadways. Shared parking arrangements are permissible, subject to a showing of parking sufficiency.
- E. Landscape plan.
- F. Open Space Plan.
 - 1. A minimum of 30 percent of the tract shall be specifically set aside for conservation, recreation and/or other open space.
 - 2. No more than one-half of the minimum 30 percent of land area may be wetlands, wetlands buffer, 100-year flood plains or lands with a topographic slope of 15 percent or greater.
 - 3. The site landscape design shall include a component to assist the township in meeting Tree City qualifications.
- G. Utility plan. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.
- H. Stormwater management plan - Stormwater designs shall be in a form as naturalized as possible and shall promote water quality, minimize maintenance and provide for groundwater recharge.
- I. Lighting plan.
- J. Phasing plan.

F. Variances and Inapplicable Ordinances

- 1. The Planning Board is authorized to grant (C) variances from the redevelopment standards and other zoning standards that are not superseded by the redevelopment plan. The Planning Board is also authorized to grant waivers from design standards.

2. In order to achieve the number of affordable units and related market rate units provided for in the settlement agreement, the site design may require deviation from strict application of certain municipal design standards. In all cases, NJDEP Flood Hazard Area rules, wetland rules including wetland buffers shall be complied with. Should deviations from stream corridor standards be necessary, stream corridor averaging shall be used to minimize the total area of stream corridor that is lost because of the deviation.
3. The developer of the redevelopment area may also request relief from cost generative features of Township land use ordinances.

G. Redeveloper's Agreement

The Redeveloper shall enter into an agreement with the municipality pursuant to the provisions of N.J.S.A. 40:55D-39 within 90 days of a memorialized Board resolution of final site plan approval setting forth variations from ordinary standards for preliminary and final approval to provide increased flexibility and promote mutual agreement between the applicant and the municipality at the time of conceptual master site plan approval. The substance of the Redeveloper's Agreement shall be consistent with the laws of the State of New Jersey, the Hopewell Land Use Code and the conditions and standards applicable to development in the zone. The Redeveloper's Agreement shall be in a form satisfactory to the Township Attorney, and may include, but is not limited to, provisions relating to the following:

1. Building layout and use.
2. Signage: Criteria to ensure a harmonious signage design for the entire development, which shall include lettering style, lighting standard types, sign material and sign lighting.
3. Architecture: Architectural design standards to ensure that the development will result in an aesthetically-harmonious design which may include external building materials, fenestration, color, mechanical penthouse screening and roof appearance where visible from adjoining buildings of higher elevation. Upon application by the developer and upon approval of the Planning Board, architectural criteria may be revised from time to time.
4. Lighting plan: to ensure a uniform lighting plan to provide safe and attractive lighting for exterior roads, interior roads and driveways, parking lots, walkways and landscape display lighting.
5. Landscaping: to ensure retention of natural vegetation, landscaping of parking areas, landscaping of building sites and the screening of trash collection and removal areas, buffering and wind shielding, pedestrian and bike linkages between buildings and the entire tract to encourage free passage while discouraging conflict with vehicular traffic.
6. Recreation: Active and passive recreational facilities, such as jogging and fitness trails, passive sitting areas, and other athletic facilities shall be provided for the benefit of building occupants.

7. Maintenance: Developer's obligation to maintain: provisions for maintenance and repair by the developer, or his successors, of building exteriors, trash removal and maintenance of internal roadways, landscaping, buffered areas and open spaces.
8. Payment In Lieu Of Taxes Agreement

I. Plan Amendment

Amendments to the Redevelopment Plan may be adopted in order to meet changing circumstances within and affecting the Redevelopment Area and the Township, but any site plan must be consistent with the adopted or amended Redevelopment Plan and conform to the design requirements of the ordinance.

3. Amend the Land Use and Development Ordinance and Zoning Map to establish a new and a new Retail Service (C-1-A) District subject to the following requirements:

Section 17-?? Retail Service (C-1-A) District

A. Purpose: This district provides for the consolidation and redevelopment of an area of existing commercial uses situated on the west side of the Pennington Circle. The intent for this redevelopment is to consolidate parcels where appropriate and to optimize the traffic access to Route 31, through the rearrangement of driveway locations and through the creation of new routes for traffic from the Redevelopment Area to access the arterial highway network.

B. Permitted Principal Uses:

1. Grocery Store/Supermarket.
2. Pharmacy/Drug Store with drive-thru.
3. Restaurants, including fast food.
4. Offices, banks, medical clinics and veterinary hospital.
5. Convenience stores with motor fuel dispensing.
6. Retail sale of consumable products, apparel, hardware, appliances, household goods, confections and general merchandise.
7. Personal services such as repair of shoes, appliances, and furniture; cleaners; tailors; salons; barber shops; and day spas.
8. Child Care Centers.
9. Shopping Centers comprised of two or more of the permitted uses in the zone.
10. Pumping stations and other essential utility infrastructure needed in order to provide site-specific or regional utility services

C. Area and Bulk Requirements for Convenience Stores with Motor Fuel Dispensing:

1. Minimum lot size: 1.5 acre
2. Minimum lot width: 200 feet
3. Minimum lot depth: 150 feet
4. Minimum front yard setback:
 - a. Buildings up to 20,000 s.f.: 50 feet
 - b. Buildings greater than 20,000 s.f.: 200 feet
 - c. Fuel canopy or storage tanks: 15 feet
5. Minimum rear yard setback: 60 feet
6. Minimum side yard building setback: 40 feet
7. Maximum building floor area: 6,500 s.f.
8. Maximum height for convenience store: 35 feet, plus decorative cupolas
9. Maximum height for fuel area canopy: height of convenience store
10. Maximum floor area ratio: 0.20
11. Maximum lot impervious coverage: 70%
12. Minimum parking setback:
 - a. From streets: 5 feet
 - b. From adjacent lot lines: 10 feet
 - c. From residential zones and uses: 25 feet
13. Minimum number of parking spaces: one space per 300 square feet of building footprint, plus one space per employee on most heavily staffed shift. Additional parking as needed to enhance internal circulation and eliminate stacking at driveways shall be provided.
14. Maximum number of fueling positions: eight dispensers with two fueling positions at each

D. Permitted signs for convenience store with motor fuel dispensing:

1. Free Standing signs: one free standing pole sign at the driveway of each street frontage, with fuel pricing, maximum area of 100 square feet, maximum height of 20 feet and minimum set back of 5 feet from any street.
2. Façade sign: Two façade signs, one each on the front and back of the building, not to exceed 20 % of the front wall area.
3. Canopy signs: maximum of three canopy signs, no wider than the width of the canopy, located on, or under or on the side of, the canopy facing the front or side street.

E. Area and Bulk Requirements for all other commercial uses:

1. Minimum lot size: 1 acre
2. Minimum lot width: 200 feet
3. Minimum lot depth: 150 feet
4. Minimum front yard setback:
 - a. Buildings up to 20,000 s.f.: 50 feet
 - b. Buildings greater than 20,000 s.f.: 200 feet
 - c. Fuel canopy or storage tanks: 15 feet
5. Minimum westerly building setback: 60 feet
6. Minimum southerly building setback: 40 feet
7. Maximum building height: 40 feet
8. Maximum floor area ratio: 0.20
9. Maximum lot impervious coverage: 70%
10. Minimum parking setback:
 - a. From streets: 5 feet
 - b. From adjacent lot lines: 10 feet
 - c. From residential zones and uses: 25 feet

F. Variances and Inapplicable Ordinances

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2. In order to achieve the number of affordable units and related market rate units provided for in the settlement agreement, the site design may require deviation from strict application of certain municipal design standards. In all cases, NJDEP Flood Hazard Area rules, wetland rules including wetland buffers shall be complied with. Should deviations from stream corridor standards be necessary, stream corridor averaging shall be used to minimize the total area of stream corridor that is lost because of the deviation.
3. The developer of the redevelopment area may also request relief from cost generative features of Township land use ordinances and such requests shall be measured against the standards found in NJSA 40:55D-70 c, with sufficient proofs to address the positive and negative variance criteria

G. Redeveloper's Agreement

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