

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

**RESOLUTION #17-375**

**RESOLUTION RECOMMENDING ADOPTION OF A REDEVELOPMENT PLAN  
FOR THE ZAITZ AREA IN NEED OF REDEVELOPMENT FOR BLOCK 85, LOTS 3,  
4, 5.01, 7 AND 24 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 21 TO THE REVISED GENERAL ORDINANCES OF THE  
TOWNSHIP OF HOPEWELL**

WHEREAS, the Township Committee of the Township of Hopewell has prepared a "Redevelopment Plan for Block 85, Lots 3, 4, 5.01, 7 and 24 Hopewell Township, Mercer County that creates a mixed use inclusionary housing zone that provides affordable housing and the plan is dated November 2017 (hereinafter the "Plan" or "Redevelopment Plan");

WHEREAS, at its meeting on November 13, 2017, the Township Committee referred the Plan and Ordinance to the Hopewell Township Planning Board for its review and recommendation; and

WHEREAS, under N.J.S.A. 40A:12A-7e, the Plan must be referred to the Planning Board for identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the Master Plan and recommendation concerning these inconsistencies and any other matters as the Board deems appropriate; and

WHEREAS, at its November 15, 2017 special meeting, the Hopewell Township Planning Board reviewed the Plan, along with a memoranda prepared by Banish Associates, Inc., dated November 14, 2017 and heard the testimony of Frances Banisch of Banisch Associates, Inc.; and

WHEREAS, the Planning Board compared the proposed ordinance to the Land Use Plan Element of the 2002 Master Plan and the 2011 Housing Plan Element and found 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 Planning Board found that the specific proposal to construct a neighborhood of multi-family housing within the R-100 zone is inconsistent with the nonresidential land uses programmed for this site in the Land Use Plan.

WHEREAS, Notwithstanding this inconsistency, in Planning Board Resolution No. 17-024, the Planning Board recommended that the Township Committee adopt the proposed ordinance and Redevelopment Plan.

WHEREAS, on November 27, 2017, the Hopewell Township Committee held a public hearing on the Zaitz Redevelopment Plan and ordinance.

WHEREAS, the Hopewell Township Committee reviewed the Hopewell Township Planning Board Resolution No. 17-024, the Memorandum of Banisch Associates dated November 14, 2017; heard the testimony of Frank Banisch and all public comments;

WHEREAS, the Hopewell Township Committee found that the Zaitz Redevelopment Plan and ordinance advances the following objectives:

- To provide for a reasonable balance among various land uses that respects and reflects the interaction and synergy of community life.
- 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.
- 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.
- 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.
- 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.
- 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.

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

**NOW, THEREFORE, BE IT RESOLVED**, that on this 27<sup>th</sup> day of November, 2017, that the Hopewell Township Committee, County of Mercer, State of New Jersey- hereby adopts the Ordinance and Redevelopment Plan for Block 85, Lots 3, 4, 5.01, 7 and 24, dated November of 2017 and prepared by the Hopewell Township Committee with the assistance from Banish Associates, Inc. It is hereby adopted for all of the above reasons pursuant to N.J.S.A. 40:55D-62(a) and Willoughby v Planning Board of the Twp. Of Deptford, 326 N.J.Super.158, 165-66 (App. Div. 1999).

Date Adopted: November 27, 2017

CERTIFICATION

I HEREBY CERTIFY THE FOREGOING TO BE  
A TRUE COPY OF A *Resolution* ADOPTED  
BY THE HOPEWELL TOWNSHIP COMMITTEE  
AT A MEETING HELD

November 27, 2017

DATE

Laurie E. Gompf

LAURIE E. GOMPf, MUNICIPAL CLERK

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

**ORDINANCE NO. 17-1672**

**AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 85, LOTS 3,4,5.01,7 AND 24, KNOWN AS THE ZAITZ AREA IN NEED OF REDEVELOPMENT, 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 22 TO THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HOPEWELL**

**WHEREAS**, the Township Committee of the Township of Hopewell, County of Mercer, directed the Planning Board to undertake a preliminary investigation as to whether certain areas within the municipality met the statutory criteria for declaring the lands an area in need of redevelopment on May 8, 2017 as memorialized in Resolution No. 17-174; and

**WHEREAS**, the Planning Board of the Township of Hopewell, County of Mercer conducted the preliminary investigation to determine if Block 85, Lot 3,4, 5.01, 7 and 24, the "Zaitz Area" met one or more of the criteria for such designation pursuant to N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Planning Board, after the conclusion of a public hearing held on September 7, adopted Resolution No. 17-014 finding and concluding that the Zaitz Area satisfies the criteria for redevelopment area designation set forth in N.J.S.A. 40A: 12A-5c, 5d, 5e and 5h and recommending to the Township Committee that the study area was an area in need of redevelopment; and

**WHEREAS**, the Township Committee favorably received the recommendation of the Planning Board and by the adoption of Resolution No. 17-014, dated September 7, 2017, established the Zaitz Redevelopment Area, among others; and

**WHEREAS**, Resolution No. 17-014 also authorized the preparation of a redevelopment plan for any portion or the entirety of the area in need of redevelopment; and

**WHEREAS**, the Township Committee finds that the redevelopment plan adopted herein is designed to implement a comprehensive redevelopment strategy to overcome blighting conditions in the Zaitz Area and is intended to improve the quality of life of the residents, landowners, business owners and visitors thereto to the Township of Hopewell through new investment for business and job creation; and

**WHEREAS**, the Township Committee desires to adopt the Redevelopment Plan for Block 85, Lots 3,4, 5.01, 7 and 24 dated November, 2017, attached hereto and known as the Zaitz Redevelopment Plan which is designated as Block 85, Lots 3,4, 5.01, 7 and 24 on the tax assessment maps of the municipality.

**NOW, THEREFORE BE IT ORDAINED**, that the Township Committee of the Township of Hopewell adopts the following provisions:

**Section 1. Adoption of the Zaitz Redevelopment Plan.** The Township Committee hereby adopts the Zaitz Redevelopment Plan, dated November 2017, prepared by Francis J. Banisch AICP/PP, and hereby adopted by reference and incorporated into this ordinance as if sent forth at length.

**Section 2. Establishment of the Redevelopment Ordinance Title.** This ordinance may be known and cited as, “The Zaitz Redevelopment Ordinance of the Township of Hopewell, Mercer County, New Jersey”.

**Section 3. Purpose and Intent.** The purpose and intent of this ordinance is to further the following goals and objectives.

- A. To return the property to productive use through the efforts of private capital and ownership.
- B. To provide appropriate development standards to guide and facilitate the redevelopment of the Zaitz Area in a manner consistent with the overall redevelopment goal;
- C. To encourage high quality architectural design and construction of new buildings within the redevelopment area;
- D. To utilize “green” building techniques and sustainable design features in both the site design and commercial building design consistent with the goals and objectives of the Hopewell Township Master Plan

**Section 4. Redevelopment Authority.** The Township Committee shall act as the “Redevelopment Authority” pursuant to N.J.S.A. 40A-12A-4.c for purposes of implementing the Zaitz Redevelopment Plan and carrying out redevelopment projects. In doing so, the Township Committee shall have all of the powers set forth in N.J.S.A. 40A:12A-8 to effectuate its duties and responsibilities in the execution and implementation of the redevelopment plan.

**Section 5. Annual Reports.** Pursuant to the requirements of N.J.S.A. 40A:12A-43, the municipality shall submit an annual report to the Commissioner of the Department of Community Affairs of the State of New Jersey indicating the name, location and size of all projects undertaken in the redevelopment area.

**Section 6.** Section 17-138.b of the Land Use and Development Ordinance of the Revised General Ordinances of the Township of Hopewell shall be amended to add paragraph 22, as follows:

- 22. The official zoning map of the Township of Hopewell was amended on November 27, 2017 [such date being the date of the final passage of this ordinance] to designate Block 85, Lots 3,4, 5.01, 7 and 24 known as the Zaitz Redevelopment Area pursuant to N.J.S.A. 40A:12A-7.c.

**Section 7. Continuation.** In all other respects, the Code of the Township of Hopewell shall remain unchanged.

**Section 8. Severability.** If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part there of directly involved in the controversy in which such judgment shall have been rendered.

**Section 9. Interpretation.** If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Hopewell, then the restriction which imposes the greater limitation shall be enforced.

**Section 10.** Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

**Section 11.** Enactment. This Ordinance shall take effect after final passage and publication in the manner prescribed by law.

Date Introduced: November 13, 2017  
Date Advertised: November 17, 2017  
Date Adopted: November 27, 2017



Kevin D. Kuchinski  
Mayor

Attest:



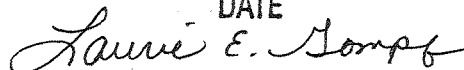
Laurie E. Gompf  
Municipal Clerk

CERTIFICATION

I HEREBY CERTIFY THE FOREGOING TO BE  
A TRUE COPY OF AN *Ordinance* ADOPTED  
BY THE HOPEWELL TOWNSHIP COMMITTEE  
AT A MEETING HELD

*November 27, 2017*

DATE



LAURIE E. GOMPf, MUNICIPAL CLERK

# *Redevelopment Plan*

*for*

*Block 85*

*Lots 3, 4, 5.01, 7 and 24*

**Hopewell Township**

**Mercer County, New Jersey**

November 2017

Prepared by:

Hopewell Township Committee

With Assistance from:

Banisch Associates, Inc.



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Francis J. Banisch III, AICP/PP  
License # 1686

*11.27.17*

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Date

## Table of Contents

1.	INTRODUCTION.....	4
1.1	BASIS FOR THE PLAN .....	4
1.2	REDEVELOPMENT PLANNING PROCESS.....	5
1.3	OVERVIEW OF REDEVELOPMENT AREA.....	6
1.4	OVERVIEW OF REDEVELOPMENT PLAN .....	7
2.	CONTEXT, VISION AND GOALS.....	7
2.1	CONTEXT .....	7
2.2	GOALS & OBJECTIVES .....	8
2.3	VISION.....	9
2.4	REDEVELOPMENT PLAN’S RELATIONSHIP TO HOPEWELL TOWNSHIP MASTER PLAN .....	9
3.	LAND USE AND BUILDING REQUIREMENTS WITHIN THE REDEVELOPMENT AREA .....	13
3.1	<b>IMF-X ZONE</b> .....	13
3.2	IMF-X ZONE PERMITTED USES .....	13
3.3	IMF-X ZONE BULK AND AREA REQUIREMENTS .....	14
3.4	IMF-X ZONE VERY LOW, LOW AND MODERATE INCOME HOUSING REQUIREMENTS.....	15
3.5	OTHER REQUIREMENTS - IMF-X ZONE.....	15
3.6	<b>C-1-A ZONE</b> .....	16
3.7	C-1-A ZONE PERMITTED USES .....	16
3.8	C-1-A ZONE BULK AND AREA REQUIREMENTS FOR COMMERCIAL USES OTHER THAN CONVENIENCE STORES DISPENSING MOTOR FUEL .....	17
3.9	C-1-A ZONE BULK AND AREA REQUIREMENTS FOR CONVENIENCE STORES DISPENSING FUEL .....	17
3.10	C-1-A ZONE SIGN REQUIREMENTS FOR CONVENIENCE STORES DISPENSING MOTOR FUEL.....	17
3.11	VARIANCES AND INAPPLICABLE ORDINANCES .....	19
3.12	MUNICIPAL COOPERATION WITH UTILITIES .....	19
4.	REDEVELOPMENT ACTIONS.....	19
4.1	OUTLINE OF PROPOSED ACTIONS .....	19
4.2	PROPERTIES TO BE ACQUIRED .....	20
4.3	RELOCATION.....	20
4.4	ADMINISTRATIVE PROVISIONS .....	20
5.	PLAN CONSISTENCY REVIEW .....	20
5.1	RELATIONSHIP TO MASTER PLANS OF ADJOINING MUNICIPALITIES .....	20
5.2	RELATIONSHIP TO THE MERCER COUNTY MASTER PLAN.....	20
5.3	RELATIONSHIP TO STATE DEVELOPMENT AND REDEVELOPMENT PLAN.....	21
6.	GENERAL PROVISIONS.....	22
6.1	AMENDMENT TO ZONING MAP AND LAND DEVELOPMENT ORDINANCE .....	22
6.2	DEFINITIONS .....	22
6.3	VARIANCE REQUESTS .....	22
6.4	REQUESTS FOR DESIGN EXCEPTIONS.....	23
6.5	SITE PLAN AND SUBDIVISION REVIEW .....	23
6.6	AFFORDABLE HOUSING .....	24



6.7	ADVERSE INFLUENCES.....	24
6.8	NON-DISCRIMINATION PROVISIONS.....	24
6.9	DURATION OF THE PLAN .....	25
7.	OTHER PROVISIONS.....	25
7.1	STATEMENT ABOUT REDEVELOPMENT .....	25
7.2	PROCEDURE FOR AMENDING THE APPROVED PLAN .....	25
	APPENDIX A.....	27

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:

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

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

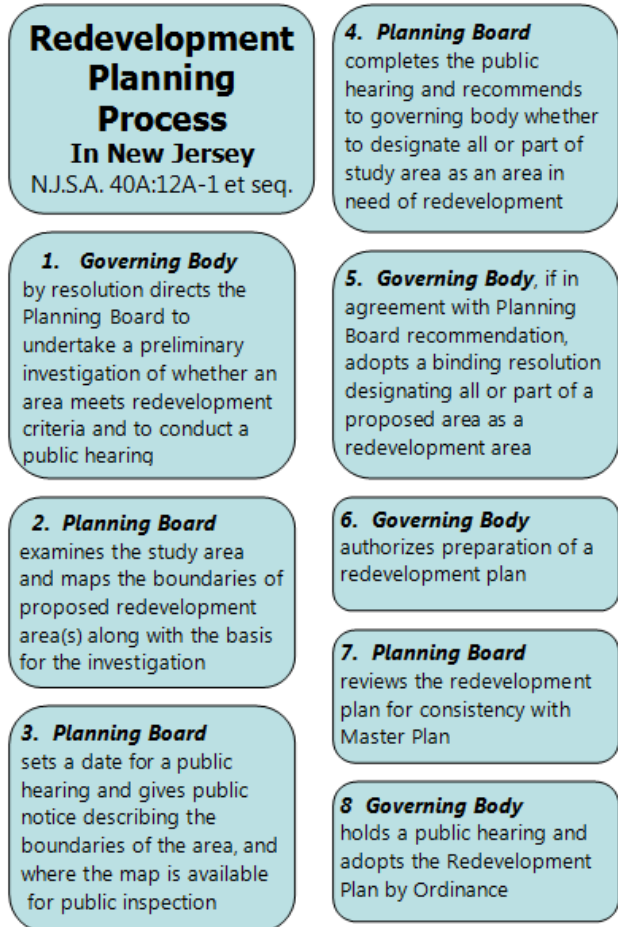
The LRHL details the process that a municipality must follow to utilize the State’s redevelopment powers. The adoption of a redevelopment plan is a precondition for the use of these powers, which permit municipalities to plan and zone in a manner that can remedy the blighting effects of underperforming,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



### 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 feet<sup>1</sup>. 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.

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<sup>1</sup> 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.*<sup>2</sup> (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

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<sup>2</sup> 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) <sup>1</sup>	75 Feet
F. Min Side Yard Setback (Tract) <sup>1</sup>	40 Feet
G. Min Rear Yard Setback (Tract) <sup>1</sup>	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 <sup>2</sup>	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 <sup>3</sup>
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.



### 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 PA-2 is one of the areas in which the SDRP promotes growth, including higher density inclusionary development. PA-2 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.



## APPENDIX A

### Zoning Amendment Creating the IMF-x Zone and the C-1-A Zone

1. Add the following definition to 17-181 WORDS DEFINED:

*Convenience Store with Motor Fuel Dispensing* - 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.

2. Amend the Land Use and Development Ordinance and Zoning Map to establish a new Inclusionary Multi-Family– x (IMF-x) District subject to the following requirements:

#### **Inclusionary Multi-Family–X (IMF-X) District**

**A. Purpose:** This IMF-x Zone provides for a multi-family residential inclusionary neighborhood, including at least 78 non-age restricted rental units affordable to very low, low and moderate income housing units. 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).

#### **B. Permitted Uses**

- A. Multi-family dwellings consisting of:
  1. Garden apartments.
  2. Townhouses.
  3. Stacked townhouses - stacked townhouses may have rear loaded driveways and garages with a rear access way of 24 feet in width (excluding driveways for two-way traffic) or 18 feet in width (excluding driveways for one-way access).
  4. Stacked flats.
- B. 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. Swimming pool with outdoor dining area, outdoor barbeque and party deck.
  4. Dog runs.
  5. Tot lots.
  6. Walking paths.

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) <sup>1</sup>	75 Feet
F. Min Side Yard Setback (Tract) <sup>1</sup>	40 Feet
G. Min Rear Yard Setback (Tract) <sup>1</sup>	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 <sup>2</sup>	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 <sup>3</sup>
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
<ol style="list-style-type: none"> <li>1. Patios, decks, and fences permitted to be located within building setbacks except no closer than 10 feet to any tract boundary.</li> <li>2. Open porches and stairs permitted to be located closer to roadway.</li> <li>3. Max. Building Height South of the Transcontinental Gas Pipeline Right-of-Way shall be 55 feet/4 Stories</li> </ol>	

**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:

**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**

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.
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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

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