

**PUBLIC HEARING DRAFT**

# **Pennytown Redevelopment Plan**

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**Township Committee  
Township of Hopewell  
Mercer County, New Jersey**

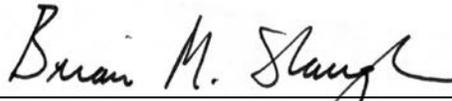
**November 14, 2016**

**PUBLIC HEARING DRAFT  
PENNYTOWN  
REDEVELOPMENT PLAN**

**Hopewell Township  
Mercer County, New Jersey**

**November 14, 2016**

**Prepared for the Township of Hopewell by:**



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# Table of Contents

<b>INTRODUCTION</b> .....	<b>1</b>
Map 1: Pennytown Existing Conditions .....	2
<b>REDEVELOPMENT PLAN PROCESS</b> .....	<b>3</b>
<b>REQUIRED COMPONENTS OF THE REDEVELOPMENT PLAN</b> .....	<b>4</b>
<b>PENNYTOWN REDEVELOPMENT PLAN GOALS AND OBJECTIVES</b> .....	<b>4</b>
<b>LAND USES IN THE REDEVELOPMENT AREA</b> .....	<b>5</b>
Map 2: Land Use Plan .....	6
<b>APPLICABILITY OF THE REDEVELOPMENT PLAN AND ITS RELATIONSHIP TO THE LAND USE AND DEVELOPMENT ORDINANCE</b> .....	<b>7</b>
<b>PENNYTOWN REDEVELOPMENT PLAN DEVELOPMENT REGULATIONS</b> .....	<b>7</b>
GENERAL REQUIREMENTS.....	7
DEFINITIONS.....	8
<b>USE REGULATIONS</b> .....	<b>9</b>
GENERAL COMMERCIAL LAND USE DISTRICT.....	9
HISTORIC PRESERVATION LAND USE DISTRICT.....	10
CONSERVATION OPEN SPACE LAND USE .....	11
<b>AREA, YARD, HEIGHT, COVERAGE AND OTHER REQUIREMENTS</b> .....	<b>12</b>
GENERAL REGULATIONS .....	12
GENERAL COMMERCIAL USES.....	12
HISTORIC PRESERVATION USES.....	13
CONSERVATION OPEN SPACE USES .....	13
<b>PERFORMANCE AND DESIGN STANDARDS</b> .....	<b>14</b>
GENERAL REQUIREMENTS.....	14
CONSERVATION PROMOTION .....	14
LANDSCAPING .....	16
LIGHTING .....	17
MECHANICAL EQUIPMENT, TRASH COLLECTION AND LOADING AREAS .....	17
PEDESTRIAN AND BICYCLE CIRCULATION.....	17
<b>PUBLIC IMPROVEMENTS</b> .....	<b>18</b>
STREETS .....	18
UTILITIES.....	18

<b>REDEVELOPMENT AUTHORITY PROPERTY ACQUISITION.....</b>	<b>18</b>
<b>RELOCATION REQUIREMENTS AND AFFORDABLE HOUSING.....</b>	<b>19</b>
<b>RELATIONSHIP OF REDEVELOPMENT PLAN OBJECTIVES TO OTHER PLANS.....</b>	<b>19</b>
HOPEWELL TOWNSHIP MASTER PLAN.....	19
HOPEWELL TOWNSHIP LAND USE AND DEVELOPMENT ORDINANCE.....	19
OTHER MUNICIPALITIES.....	20
MERCER COUNTY.....	20
STATE DEVELOPMENT AND REDEVELOPMENT PLAN.....	21
<b>GENERAL PROVISIONS OF THE REDEVELOPMENT PLAN.....</b>	<b>22</b>
REDEVELOPMENT AUTHORITY.....	22
REDEVELOPER SELECTION.....	22
REDEVELOPMENT AGREEMENT.....	22
EFFECT OF REDEVELOPMENT AGREEMENT.....	23
STAFF EMPLOYMENT.....	23
EXPIRATION.....	24
<b>DEVELOPMENT PLAN REVIEW AND APPROVAL.....</b>	<b>24</b>
PRE-APPLICATION CONFERENCE AND CONCEPT PLAN.....	24
ESCROW FEE.....	24
APPLICATION FOR DEVELOPMENT.....	25
REDEVELOPMENT AUTHORITY APPROVAL.....	25
PUBLIC NOTICE AND HEARING.....	26
PLANNING BOARD REVIEW.....	26
PROJECT PHASING.....	27
EFFECT OF APPROVAL.....	27
<b>ATTACHMENT A.....</b>	<b>29</b>

## Pennytown Redevelopment Plan

### INTRODUCTION

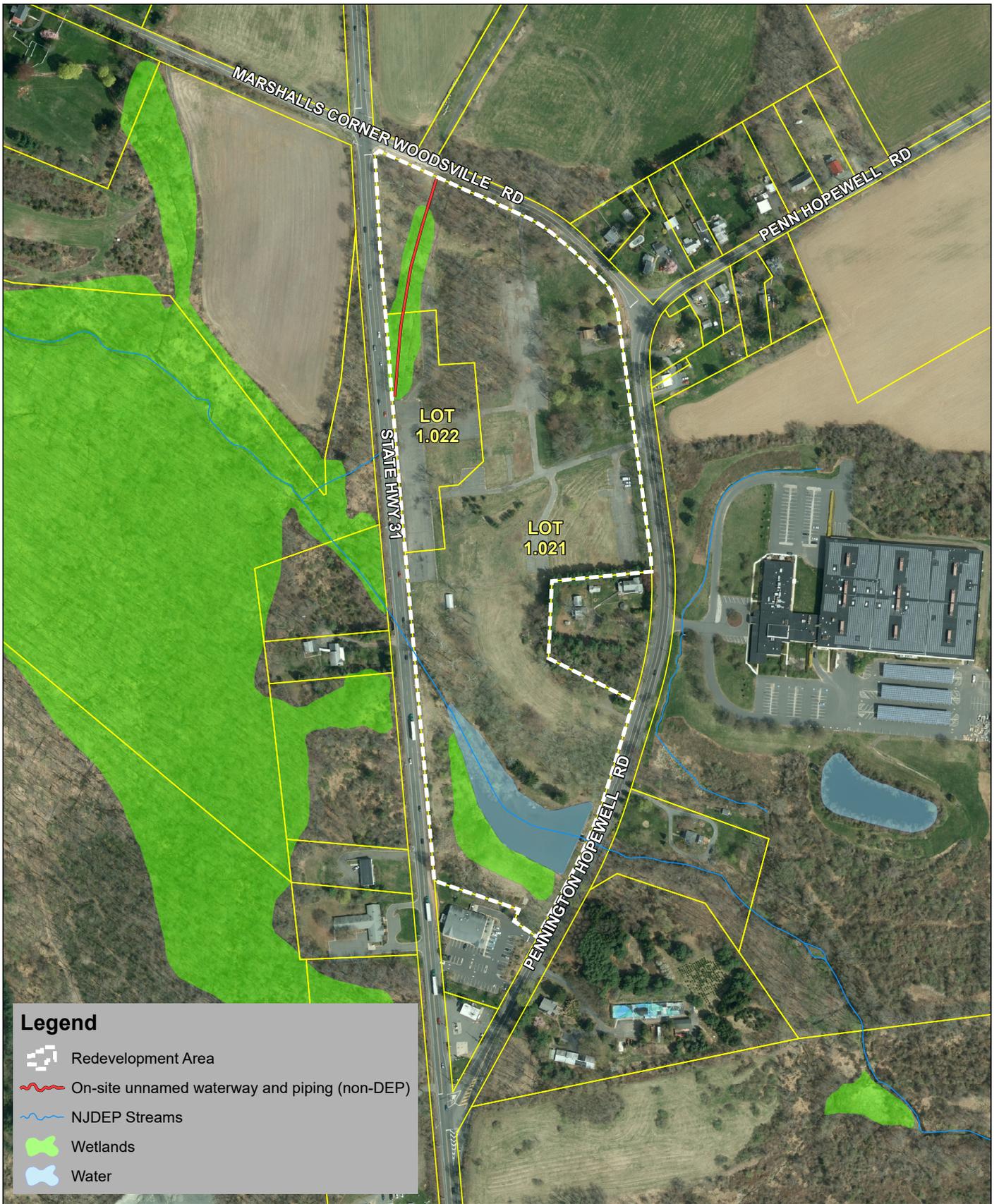
The Pennytown Redevelopment Plan is part of the area in need of redevelopment established by the Hopewell Township Committee on September 14, 2009 through Resolution No. 09-295. Though the Township Committee's action created a larger redevelopment area, this plan is only concerned with the land associated with the former Pennytown commercial complex consisting of Block 33, Lots 1.021 and 1.022 (formerly Lot 1.02).

Pennytown is located in the central part of Hopewell Township, adjacent to the historic hamlet of Marshall's Corner, about midway between the Borough of Pennington and the Borough of Hopewell. Three main roadways provide access to the redevelopment area: State Route 31, Pennington-Hopewell Road (County Route 654), and Marshall's Corner-Woodsville Road (County Route 612). These three roadways bound the redevelopment area that is the subject of this Redevelopment Plan.

The 24.94 acre Pennytown property is the third parcel north of the intersection of Route 31 and Pennington-Hopewell Road, after the Delta gasoline station and the Quick-Chek convenience store. Immediately to the east of Pennytown, across Pennington-Hopewell Road, is the 100-acre Kooltronic site. In addition, Marshall's Corner contains about a dozen single family homes fronting on the county roads. South of the study area, along Route 31, suburban character increases approaching Pennington Borough with more intense retail, office, and service uses. North of the study area the character becomes more rural with only scattered non-residential uses and an occasional stand-alone commercial use in the Amwells.

Acquisition of the site by Hopewell Township took place in 2009 and the site has been cleared of buildings excepting a single family residence, Quonset hut and a utility building. A map depicting the area of this Redevelopment Plan is found on the following page.

This document is the second step in implementing a specific plan for redevelopment that began with the preliminary investigation conducted by the Planning Board during the fall of 2009. Subsequent steps will include the selection of a redeveloper or redevelopers and execution of a redevelopment agreement.



**Legend**

-  Redevelopment Area
-  On-site unnamed waterway and piping (non-DEP)
-  NJDEP Streams
-  Wetlands
-  Water



**Clarke Caton Hintz** ● ● ■  
 Architecture  
 Planning  
 Landscape Architecture

PENNYTOWN REDEVELOPMENT AREA

**Existing Conditions**

LOCATION:  
 Hopewell Township Mercer County, NJ

DATE:  
 October 2016

Aerial Source:  
 New Jersey 2015 High Resolution Orthophotography, NAD83(2011)  
 Originator: NJ Office of Geographic Information Systems (OGIS)  
 Date: 2/24/16

Parcel Source:  
 Parcels of Mercer County, New Jersey State Plane NAD83  
 Date: 8/28/14

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**REDEVELOPMENT PLAN PROCESS**

The formal redevelopment process for the Pennytown Study Area began with the Township Committee's authorization for the Planning Board to conduct a preliminary investigation of the area to determine if it met the statutory criteria for designation as a redevelopment area. This action was memorialized in Resolution No. 09-192, adopted by the Committee on June 22, 2009. On August 17, 2009, the Planning Board received an expert report and map depicting the Study Area, entitled "Preliminary Investigation of the Pennytown, Kooltronic, PSE&G and 84 Lumber Sites for a Determination of their Suitability to be Designated an Area in Need of Redevelopment in Accordance with *N.J.S.A. 40A:12A-1 et seq*"<sup>1</sup> and dated August 17, 2009 (the "Report"), concerning the determination of the Study Area as an area in need of redevelopment.

On September 10, 2009, the Planning Board reviewed the Report, heard testimony from representatives of the Planning Consultant, accepted the Report into evidence, and conducted a public hearing during which members of the general public were given an opportunity to present their own evidence, to cross-examine the Planning Consultant and/or to address questions to the Planning Board and its representatives concerning the potential designation of the Study Area as an area in need of redevelopment.

After the conclusion of the public hearing, the Planning Board adopted Resolution No. 09-029 finding and concluding that: (i) the Pennytown Site satisfies the criteria for redevelopment area designation set forth in *N.J.S.A. 40A: 12A-5a, 5b and 5d*; (ii) the PSE&G Site satisfies the criterion for redevelopment area designation set forth in *N.J.S.A. 40A:12A-5c*; (iii) the 84 Lumber Site satisfies the criterion for redevelopment area designation set forth in *N.J.S.A. 40A: 12A-5b*; and (iv) the Pennytown, Kooltronic and PSE&G Sites collectively satisfy the criterion for redevelopment area designation set forth in *N.J.S.A. 40A: 12A-5h* and, pursuant to *N.J.S.A. 40A: 12A-3*, the collective designation of such sites as an area in need of redevelopment is necessary for the effective redevelopment of the area comprising such sites.

The Township Committee adopting resolution establishing the area in need of redevelopment that encompasses the Pennytown site on September 14, 2009 (Resolution No. 09-295) also authorized the preparation of this document.

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<sup>1</sup> - Prepared by Philip Caton, PP, FAICP and Brent Krasner, PP, AICP, of Clarke Caton Hintz, P.C.

**REQUIRED COMPONENTS OF THE REDEVELOPMENT PLAN**

The Pennytown Redevelopment Plan has been prepared pursuant to *N.J.S.A. 40A:12A-7*. As required, the Plan includes the following components as paraphrased from the statute:

- A. Redevelopment Goals and Objectives;
- B. Proposed Land Uses and Design Concepts;
- C. Redevelopment Regulations and Standards; and
- D. Relationship of the Redevelopment Plan to Other Plans

Each of these will be addressed in the following pages.

**PENNYTOWN REDEVELOPMENT PLAN GOALS AND OBJECTIVES**

The 2002 Master Plan sought to “promote pedestrian movements and neighborhood interaction” with dense clusters of small lot housing “modeled after the small lot and mixed use development patterns” found in highly desirable neighborhoods with strong identities, like Pennington and Princeton (P.17). However, the Pennytown site has not proved suitable for such a village cluster, due largely to inherent infrastructure limits. Thus, the 2002 Master Plan’s vision for “flexible development techniques that promote controlled development, livable communities, environmental protection and agricultural retention” (p. 20) can best be reflected here by protecting and restoring the natural environment and crafting walkability into the development.

The expressed intent of the Township Committee is for the Pennytown land and structures to be sold and returned to private sector use following the adoption of this plan. Given the gateway location of the site, special attention should be paid to design features that reinforce, rather than conflict with the rural ambiance and traditional design of the homes and other buildings in Marshall’s Corner. In addition to this overarching goal, the redevelopment plan includes the following objectives:

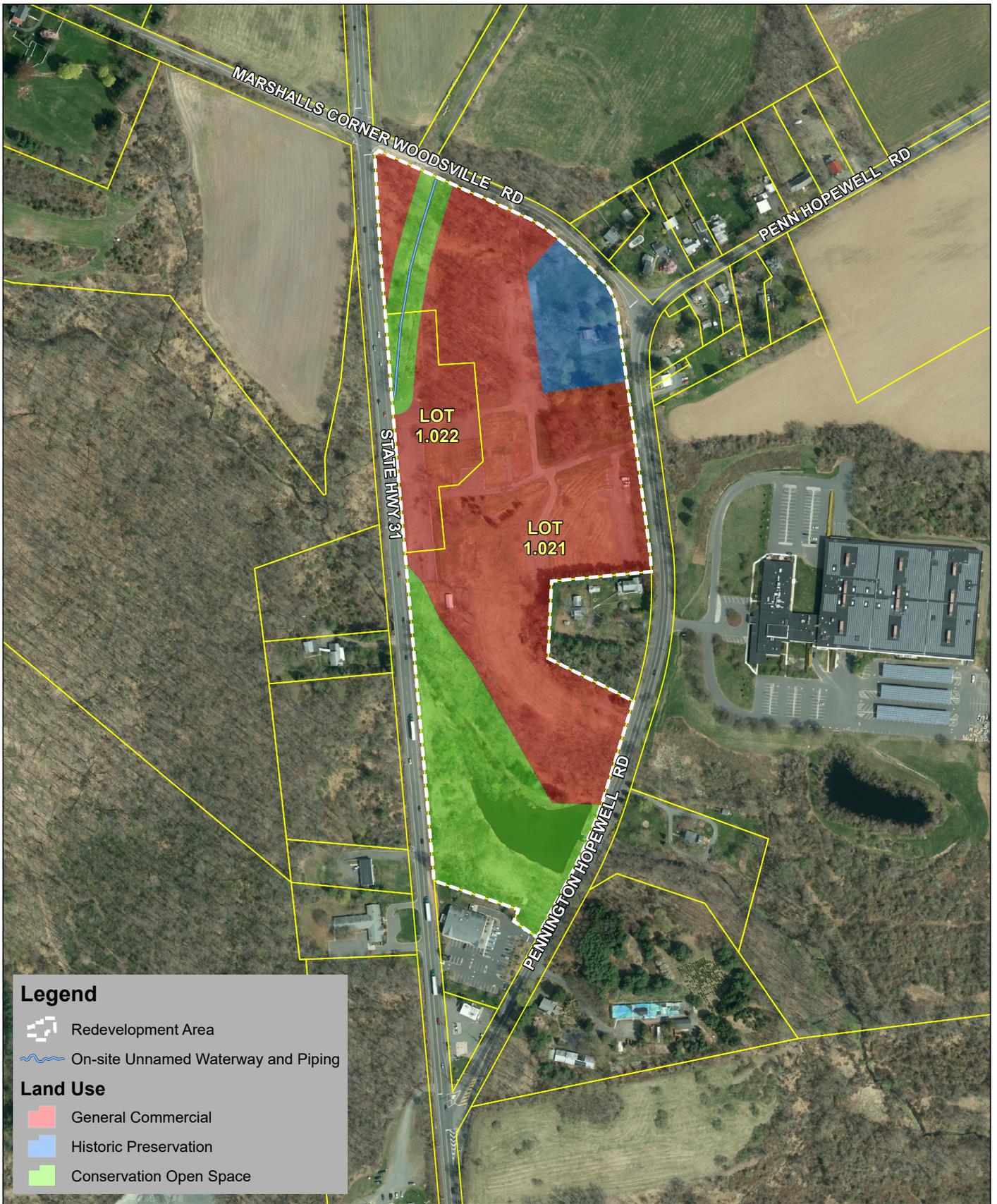
- 1. To provide appropriate development standards to guide and facilitate the redevelopment of the Pennytown property in a manner consistent with the overall redevelopment goals;
- 2. To facilitate the preservation and/or adaptive reuse of the historic single family detached residence on the property that is part of the hamlet of Marshall’s Corner;

3. To recognize the site’s location as an important “Gateway to the Hopewell Valley” by requiring appropriate, high quality architectural design and construction of new buildings within the redevelopment area;
4. 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; and
5. To preserve and protect the wetlands and surface water features on site, including the pond and stream corridor of the Stony Brook Branch.
6. To advance the goals of the Route 31 Corridor Design Study.

**LAND USES IN THE REDEVELOPMENT AREA**

The land use plan on the following page depicts the three districts for the Redevelopment Area defined by the former Pennytown complex. Within these districts, specific permitted, conditional and accessory uses are spelled out in the use and performance regulations section of this document. The districts include the General Commercial, Historic Preservation and Conservation Open Space Land Uses. While the boundaries between the districts are depicted in a certain manner, the Historic Preservation Land Use district is required to meet a minimum sized lot of two acres and a maximum of three acres. It is depicted at a lot size of two acres on the Land Use Plan but may be configured to the larger size depending on the needs of the redeveloper or redevelopers. Should the lot area of the Historic Preservation use on the property become larger than depicted on the map, the General Commercial district will be made corresponding smaller without the need for a boundary adjustment and amendment to this Redevelopment Plan. Flexibility in the development of the redevelopment area is necessary to address market conditions that cannot be known at this time.

The land use plan is a specific requirement in the law for the creation of a redevelopment plan. The land use plan functions as a combination of land use categories and zoning district. The redevelopment area is intended for a broader range of potential uses than singular zoning districts in order to provide an incentive for wide interest from potential redevelopers. Following the land use plan are the land use districts for the redevelopment area.



**Legend**

-  Redevelopment Area
-  On-site Unnamed Waterway and Piping

**Land Use**

-  General Commercial
-  Historic Preservation
-  Conservation Open Space



**Clarke Caton Hintz** ● ● ■

Architecture  
 Planning  
 Landscape Architecture

PENNYTOWN REDEVELOPMENT AREA

**Land Use Plan**

LOCATION:  
 Hopewell Township Mercer County, NJ

DATE:  
 October 2016

Aerial Source:  
 New Jersey 2015 High Resolution Orthophotography, NAD83(2011)  
 Originator: NJ Office of Geographic Information Systems (OGIS)  
 Date: 2/24/16

Parcel Source:  
 Parcels of Mercer County, New Jersey State Plane NAD83  
 Date: 8/28/14

**General Commercial** – Rt. 31 is a well-trafficked highway used by approximately 22,000 vehicles per day that connects the I-95, Rt. 206 and I-78 corridors. Transportation and traveler’s services, excluding lodging, and other automobile-oriented and convenience services are intended for this land use category. This same highway access also provides the opportunity for office, commercial recreation, leisure and similar retail sales and services.

**Historic Preservation** – The historic preservation land use district is intended to preserve the existing single family house in the northeast corner of the redevelopment area but also allow for historically sensitive adaptive reuse for small scale lodging or office use.

**Conservation Open Space** – The Stony Brook Branch stream corridor and pond on the tract is designated for open space retention as defined by its existing 150-foot stream corridor easement. The easement encompasses the south and southwest of the tract except for a small triangular-shaped portion in the extreme southwest corner. The area has been included in this district since it is too small to realistically develop under the General Commercial standards.

**APPLICABILITY OF THE REDEVELOPMENT PLAN AND ITS RELATIONSHIP TO THE LAND USE AND DEVELOPMENT ORDINANCE**

The use, bulk, design and performance standards of this Redevelopment Plan shall supersede and replace the zoning and other development regulations of the Hopewell Township Land Use and Development Ordinance (LUDO) for Block 33, Lots 1.021 and 1.022. The zoning map of the Township of Hopewell shall be amended upon the adoption of this plan in accordance with *N.J.S.A. 40A:12A-7.c*. However, in any instance in which this Redevelopment Plan’s regulations and standards do not address a particular land development control, or when specific reference to the LUDO is made in the Plan, the standards of the Land Use and Development Ordinance shall apply to the redevelopment area as permitted by *N.J.S.A. 40A:12A-7.a(2)*. Furthermore, if any provision of this Redevelopment Plan is determined by a Court with appropriate jurisdiction to be invalid the remainder of the Plan will not be affected and shall remain in full force and effect.

**PENNYTOWN REDEVELOPMENT PLAN DEVELOPMENT REGULATIONS**

**General Requirements**

The following subsections outline the general purposes that will control redevelopment within the Pennytown Redevelopment Area:

- I. Intent. The Redevelopment Plan is intended to be implemented as a form of planned commercial development with its primary emphasis on office, retail

sales, retail services and commercial recreation that includes the preservation or adaptive reuse of the existing single family house on the tract.

2. Conservation of Environmental Features. Environmental features as determined in the development review process shall be set aside in one or more suitable locations to provide for the preservation of natural features or that constitute important visual amenities and environmental resources. The redevelopment is required to have continuity of open space resulting from the integration of upland, wetland, floodplain and surface water areas within the tract that accommodates the existing 150-foot wide stream corridor easement.
3. Appearance and Aesthetic Control. All development shall be planned and designed to promote and achieve aesthetically pleasing views from and to the redevelopment. The creation and promotion of such aesthetic conditions shall strengthen and preserve the municipality's environmental characteristics and promote the civic pride, prosperity, and general welfare of the residents, the Township, and visitors thereto.

### **Definitions**

Any permitted, conditional and accessory uses not defined herein shall be as defined in the Hopewell Township Land Use and Development Ordinance.

**BED AND BREAKFAST INN** - an owner-operated lodging establishment that offers overnight accommodation and breakfast, but not other meals, with bedrooms or suites available to the general public for stays not in excess of 30 days per calendar year.

**COMMERCIAL RECREATION** – A leisure or recreational activity offered to the general public by a profit making enterprise, including fitness and exercise centers, court sports, indoor lacrosse, indoor soccer, swimming facility, indoor golf, disc golf, pitch and putt, miniature golf, batting cages, laser tag, and bowling, but not to include any motorized activity or sport.

**LUDO** – Land Use and Development Ordinance, the Township of Hopewell’s land development regulations ordinance.

**MOTOR FUELING STATION** – An establishment offering the sale of fuels and lubricants for motor vehicles, but not repair or storage services, and which may be combined with the sale of convenience items, including food and seating for food consumption, to the general public.

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**USE REGULATIONS**

**General Commercial Land Use District**

- I. Principal Permitted Uses. The following principal uses and structures shall be permitted in the General Commercial Land Use District:
  - A. Retail sale of consumable products, wearing apparel, pharmaceuticals, hardware, appliances, household goods, confections and general merchandise.
  - B. Personal services, such as the repair of appliances, furniture and shoes, cleaners, tailors, barber shops and beauty salons.
  - C. Theater, bowling alleys, gymnasiums, library, night club, restaurants and bars.
  - D. Motel.
  - E. Shopping centers consisting of at least six (6) separate businesses comprised of the above uses (A-D).
  - F. Offices, banks, medical clinics and veterinary hospitals.
  - G. Commercial recreation establishments.
  - H. Farms and agriculture.
  - I. Child care centers.
  - J. Single family dwellings.
2. Conditional Permitted Uses. The following conditional uses and structures shall be permitted in the General Commercial Land Use District upon meeting their respective criteria, thresholds and limitations:
  - A. Pumping stations, transformers and similar utility facilities which are needed in order to provide utility services directly to the consumer, but not repair facilities, offices, open storage, work areas or other aspects of utility operations. Such facilities shall meet the minimum requirements of subsection 17-159.g, and shall be landscaped or otherwise appropriately integrated into the site design by special architectural treatment in accordance with section 17-89 and, where safety dictates, shall be enclosed with fencing.

- B. Motor fueling station meeting the following additional criteria:
  - i. The motor fueling station shall have its primary access point on Rt. 31.
  - ii. No motor fuel dispenser shall be located closer than eighty (80) feet to a public right-of-way.
  - iii. No motor fuel dispensing canopy shall be located closer than sixty (60) feet to a public right-of-way.
  - iv. No overnight storage of vehicles shall be permitted on-site.
  - v. Any diesel fuel pumps shall be designed to discourage large truck fueling, and high volume nozzles shall be prohibited.
  
- 3. Accessory Use. The following accessory uses and structures shall be permitted in the General Commercial Land Use District:
  - A. Walls and fences in accordance with §17-85 of the LUDO and street furniture.
  - B. Maintenance building not exceeding 2,000 sf. in gross floor area.
  - C. Management, sales and rental office.
  - D. Off-street surface parking and loading.
  - E. Signs in accordance with §17-106 of the LUDO.
  - F. Accessory uses and structures on the same lot and customarily incidental to the principal use.

**Historic Preservation Land Use District**

- I. Principal Permitted Uses. The following principal uses and structures shall be permitted in the Historic Preservation Land Use District:
  - A. Single family detached residential.
  - B. Studio of an artist, musician, crafter or other practitioner of the visual, decorative or fine arts.
  - C. Bed and breakfast inn located within a historic structure and additions thereto.

- D. Professional office located within a historic structure and additions thereto.
- 2. Accessory Uses. The following accessory uses and structures shall be permitted in the Historic Preservation Land Use District:
  - A. Single family detached residential. As permitted in §17-159.c of the LUDO.
  - B. Bed and breakfast inn.
    - i. As permitted in §17-159.c.1 and -2 except as modified below.
    - ii. Off street parking for up to 12 vehicles.
    - iii. Detached garage with up to three interior parking spaces.
    - iv. Maintenance and storage building not exceeding 600 sf. in gross floor area.
  - C. Professional office.
    - i. Off street parking provided that no space is closer to any streetline than the rear of the principal building and is adequately screened from public view by landscaping.
    - ii. Maintenance and storage building not exceeding 200 sf. in floor area.
  - D. Walls and fencing as regulated by §17-85 of the LUDO.
  - E. Signs in accordance with §17-106 of the LUDO.
  - F. Accessory uses and structures on the same lot and customarily incidental to the principal use.

### **Conservation Open Space Land Use**

- I. Principal Permitted Uses. The following principal uses and structures shall be permitted in the Conservation Open Space Land Use District:
  - A. Parks and conservation open space.
  - B. Trailheads, docks, observation posts and lookouts.

2. Accessory uses. Any of the following accessory uses and structures shall be permitted when used in conjunction with a principal use:
  - A. Trails, pedestrian and bicycle paths.
  - B. Outdoor seating.
  - C. Parking limited to no more than ten spaces at a trailhead.
  - D. Maintenance and storage building not exceeding 600 square feet.
  - E. Signs in accordance with §17-106.f.9 of the LUDO.
  - F. Accessory uses and structures customarily incidental to a principal use and located on the same lot.

**AREA, YARD, HEIGHT, COVERAGE AND OTHER REQUIREMENTS**

Except as otherwise modified, the area, yard, height and coverage standards contained in Attachment A shall apply to all development in the Pennytown Redevelopment Area.

**General Regulations**

1. Any site proposed for development as a shopping center shall be submitted with an overall plan for the entire property. The plan may provide for segments of the development to be completed in stages, provided the approving authority determines that each stage constitutes an appropriate use and layout of the property should the project not proceed further.
2. Notwithstanding any other provision to the contrary, a lot with a minimum size of two acres shall be established around the existing single family detached dwelling in the redevelopment area and subdivided from the main tract as part of any application for development.

**General Commercial Uses**

1. Motor fueling stations.
  - A. Minimum lot area: 100,000 sf.
  - B. Minimum lot depth: 200 feet
  - C. Minimum lot width: 200 feet
  - D. Minimum front yard: 65 feet

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E.	Minimum side yard (each)	30 feet
F.	Minimum rear yard:	40 feet
G.	Maximum building height:	25 feet to the eaves; 35 feet to the ridge
H.	Maximum permitted impervious coverage:	65% of gross lot area
I.	Maximum floor area ratio:	0.10

**Historic Preservation Uses**

1. Single family detached dwellings shall meet the area, yard height and coverage standards in §17-159.j of the LUDO for lots without public water or sewer, except that the minimum lot size shall be two acres and the maximum lot size shall be three acres.
2. Bed and breakfast inn, and professional office shall meet the area, yard height and coverage standards in §17-161.e of the LUDO, except that the minimum lot size shall be two acres and the maximum lot size shall be three acres.

**Conservation Open Space Uses**

The following area, yard, coverage and other bulk regulations shall apply to conservation open space uses:

1.	Minimum lot area:	20,000 sf.
2.	Minimum street frontage:	20 feet
3.	Minimum lot width:	20 feet
4.	Minimum lot depth:	30 feet
5.	Minimum front yard:	50 feet
6.	Minimum individual side yard:	15 feet
7.	Minimum rear yard:	25 feet
8.	Maximum permitted impervious coverage:	5% of gross lot area
9.	Maximum permitted building coverage:	2% of gross lot area
10.	Maximum permitted building height:	20 feet

## **PERFORMANCE AND DESIGN STANDARDS**

The following performance and design standards should be used in all development planned within the Pennytown Redevelopment Area.

### **General Requirements**

- I. Buildings should have architectural features and patterns that provide variety and visual interest. Buildings should include substantial variation through the use of the three main elements of base, field and entablature. Primary building facades shall be articulated by façade offsets and the use of vertical and horizontal elements to provide shadow lines, breaks and banding.
2. Doorways, windows and other openings in the façade of buildings should be proportioned to reflect pedestrian scale and movement and encourage interest at the ground level.
3. The redeveloper(s) is encouraged to find adaptive uses for the historic single family house. Additions for residential and non-residential uses should be attached to the rear or sides of the building in such a manner as to minimize its public view from a street.

### **Conservation Promotion**

The design of residential buildings, non-residential buildings and their site development components shall promote the conservation of energy through the use of site planning, architectural elements and construction techniques to minimize energy consumption and to provide for the maximum utilization of renewable energy sources. As part of either a preliminary major site plan or subdivision, whichever comes first, the redeveloper shall prepare and submit a “Sustainable Design Assessment.” The Sustainable Design Assessment shall set forth ways in which the proposed development will utilize building design, construction materials, mechanical systems, site design and development techniques, and facility management practices which promote natural resource preservation and the minimization of energy consumption. The Sustainable Design Assessment shall address at a minimum the following topics:

- I. Sustainable site development.
  - A. The minimization of site disturbance and soil erosion during construction and the maximization of tree retention.
  - B. The extent to which natural drainage systems can be utilized and naturalized control structures designed following NJDEP Low Impact

- 
- Development Techniques for storm water management.
  - C. The preservation or restoration of natural site features.
  - D. The use of building orientation and landscape features to capitalize on passive heating and cooling.
2. Water efficiency.
- A. The use of captured rainwater for internal and external water demand.
  - B. The use of gray water for internal and external water demand.
  - C. The use of low-flow and no flow fixtures and fittings.
3. Energy efficiency.
- A. The use of photovoltaic solar panels, passive solar heating/cooling and natural ventilation.
  - B. The use of a thermally efficient envelope to reduce the size of the HVAC system over conventional construction methods.
  - C. The use of energy management systems, monitoring, and controls to continuously calibrate, adjust, and maintain energy-related systems.
  - D. The provision of individual occupant controls when not in conflict with paragraph -C.
4. Indoor environmental quality.
- A. The methods to be used to control pollutant sources.
  - B. The use of low-emission materials.
  - C. The provision of outdoor views for occupants.
  - D. The provision of recycling stations in public areas.
5. Construction materials.
- A. The means whereby the consumption of building materials may be minimized.
  - B. The process whereby the durability and adaptability of building materials for new use is determined and implemented.

- C. The use of rapidly renewable building materials and salvaged and refurbished materials in the redevelopment.

### **Landscaping**

The following landscape requirements pertain to development within the Pennytown Redevelopment Area:

1. Landscape design. The protection of wooded areas, specimen trees, and existing vegetation within the redevelopment area shall be a factor in determining the location of open space, buildings, paved surfaces, underground services, walkways, and finished grade levels and shall be based on a survey of the natural features of the tract.
2. Perimeter landscaping requirements. Landscaping shall be required along abutting streets and between land use changes on the site and at the edges of the site. The minimum width of vegetation other than ground cover shall be 25 feet. Existing vegetation which is of high quality and appropriate density shall be retained. Where existing vegetation is unsuitable, it shall be augmented or replaced by new plantings in accordance with a landscape plan submitted to and approved by the Planning Board. The perimeter landscape area shall be suitable for its function of site enhancement and screening and shall incorporate street trees as appropriate along existing frontages. Landscaping along streets shall allow for views and vistas into the site, while landscaping between land use changes shall be for screening purposes. Native vegetation should be utilized where possible due to its natural resistance to drought and disease and its acclimation to this area. For each 100 lineal feet of landscaping between land use changes, 5 large or medium-sized trees (at maturity), 8 small or ornamental trees, 15 evergreens or conifers and 30 shrubs (minimum size of 15-18") shall be installed.
3. Building within the required 25-foot landscaping width. Public and private streets affording access to the site may cross the required landscaping. Accessory structures such as utilities and signs approved as part of the signage plan, and traffic signal and street lighting systems may be placed in the landscaping width. However, no off-street parking facilities, storm water management facilities, trash/recycling enclosures, electrical transformers, underground utilities (excepting connections to off-site utilities or systems) or other buildings shall be constructed within this required width.
4. Other site landscaping. All other landscaping on the site shall conform to §17-89 of the LUDO.

## Lighting

Outdoor lighting shall conform to the requirements of §17-90 of the LUDO.

## Mechanical Equipment, Trash Collection and Loading Areas

1. General. Such areas, due to their visual and noise impacts onto adjacent properties and visitors to the site shall be screened, recessed and enclosed.
2. No centralized area for outdoor storage, trash collection or compaction, loading or other such uses shall be located within eighty (80) feet of any public street. This shall not apply to any residential use.
3. Outdoor storage, utility meters, HVAC equipment, recycling containers, trash dumpsters, trash compactors, and other such service functions shall be incorporated into the overall design of any non-residential use in the Redevelopment Area. Walls, screens and enclosures for such uses shall be of a similar construction and material as the primary buildings to which they are associated. Such accessory structures and uses shall be adequately landscaped to the point where the visual and acoustic impacts of these functions in conjunction with walls, screens and/or enclosures are fully contained and out of the view from general passersby.
4. All rooftop mechanical equipment shall be screened from view from all directions.

## Pedestrian and Bicycle Circulation

1. The redeveloper shall install pedestrian walks and pathways serving all facilities within the redevelopment to and between parking areas, open spaces, recreational and other community property excepting access to a residential use. In appropriate locations as determined during the site plan approval process, access points to the surrounding road system shall be determined. Pathways shall be designed and constructed suitable for dual use by bicyclists.

## Signs

The redeveloper shall utilize the sign standards of the Land Use and Development Ordinance (§17-106) in the redevelopment of the property.

## **PUBLIC IMPROVEMENTS**

Public improvements are anticipated to be required and installed at the full expense of the designated redeveloper the land is redeveloped consistent with the design policies and standards that are contained within this Plan. The redeveloper is expected to install necessary public improvements on the property as well as on abutting rights-of-way. The redeveloper is expected to construct or pay its pro rata share of the costs of any off-tract improvements necessitated by their redevelopment. No recapture of off-site improvement expenses from future development should be anticipated. However, nothing contained herein shall be construed to preclude the ability of the municipality or redeveloper from obtaining any governmental programs, grants, loans, or other financial support or incentives for public infrastructure improvements or other construction.

### **Streets**

The redeveloper shall construct any public and private streets or expansions of existing streets as necessary to implement the Redevelopment Plan. Street ownership and maintenance responsibilities shall be as set forth in any Redevelopment Agreement.

### **Utilities**

- I. Water and Sanitary Sewer. The Redevelopment Area is not presently served by public water and public sewer and sanitary sewers are not to be extended to the site, which will rely upon on-site treatment of wastewater. Development within the Redevelopment Area will be served by either on-site private systems or as permitted in duly constituted service franchise areas. No representations are made as to the availability or capacity of ground water withdrawals to service the redevelopment. The redeveloper shall install or otherwise pay for the installation of the various mains, service lines and connections, and other facilities required to provide water service for the redevelopment area in accordance with the policies and standards of the Township of Hopewell, County of Mercer and the NJ Department of Environmental Protection.
2. Underground Placement. All cabling systems for electric service, cable television, telephone, internet and similar wiring shall be placed underground at a cost to be borne by the redeveloper.

## **REDEVELOPMENT AUTHORITY PROPERTY ACQUISITION**

All of the property within the Pennytown Redevelopment Area is owned by the Township of Hopewell and was acquired following the adoption of the Area in Need of Redevelopment. No further acquisition is planned or anticipated.

## **RELOCATION REQUIREMENTS AND AFFORDABLE HOUSING**

Though the Pennytown Redevelopment Area contains a single family detached dwelling, the house is not occupied. Accordingly there is no relocation required under the auspices of the Workable Relocation Assistance Plan (*N.J.A.C. 5:40-1*). Furthermore, the Pennytown Redevelopment Area does not currently include affordable housing units as defined under *N.J.S.A. 52:27D-304* and therefore no replacement units shall be required pursuant to *N.J.S.A. 40A:12A-7.a (6)*.

## **RELATIONSHIP OF REDEVELOPMENT PLAN OBJECTIVES TO OTHER PLANS**

### **Hopewell Township Master Plan**

The Master Plan of Hopewell Township was adopted in 2002 with subsequent amendments. The most relevant of these is the 2009 Land Use Plan Element that identified the property across Pennington-Hopewell Road as a hamlet and the Pennytown site as suitable for affordable housing purposes under the land use designation called the Valley Resource Conservation-Hamlet Light Industrial District.

The latest Reexamination Report of the Master Plan was adopted by the Planning Board in 2011 and acknowledges the Township's efforts in acquiring the Pennytown property. While the Planning Board's conclusion was to support the development of a Redevelopment Plan, it envisioned a more intensive, mixed use development on the site, rather than the primarily non-residential development now proposed.

The November 2011 amendment to the Housing Element and Fair Share Plan includes Pennytown for 70 units of affordable housing, which is no longer proposed in the Redevelopment Plan. The Township will address the affordable housing units once slated for Pennytown, if they are needed; in another suitable location once the Third Round rules are adjudicated.

### **Hopewell Township Land Use and Development Ordinance**

The LUDO incorporates the purposes of the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*) as its intent and purpose in §17.1 (with some slight modification). Towards that end, this Redevelopment Plan is consistent with the following purposes:

1. To guide the appropriate use of development of all land in Hopewell Township in a manner which will promote the public health, safety, morals, and general welfare;

2. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
3. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; and
4. To promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land.

### **Other Municipalities**

The Township of Hopewell completely surrounds the Boroughs of Hopewell and Pennington. The Pennytown site is roughly equidistant from both of the Boroughs and is separated from them by 1.4 to 1.8 miles. West Amwell, East Amwell, Montgomery, Princeton, Lawrence and Ewing Townships, as well as the Commonwealth of Pennsylvania which surround the Township on its outer boundary are significantly separated from the Pennytown site. No significant impacts are anticipated from the redevelopment of the site due to its limited scope for potential development and its distance from all nearby municipalities. The likeliest impact would come from additional traffic generation. It is anticipated that Rt. 31 would be the corridor used most heavily by employees.

Given the distances from both Boroughs and the limited amount of development proposed for the Pennytown Redevelopment Area, no land use conflicts are created in the Plan.

### **Mercer County**

The Mercer County Master Plan was adopted in 2010 and updated as recently as May 2016. The County Master Plan emphasizes the connection between land use and transportation with a focus on maintaining mobility for residents, travelers and business. Rt. 31 in Pennington and north towards Pennytown is recognized as an employment center in the Master Plan. This area encompasses Pennington itself as well as large employers such as Bristol Myers-Squibb, which has a facility on Pennington-Rocky Hill Road (C.R. 624) in the Township. Rt. 31 is classified as a principal arterial road.

The County Master includes a set of goals. Under Transportation goals, the plan seeks to, “Direct growth to transit corridors and centers”, both of which incorporate the Pennytown site. The Redevelopment Plan is consistent with this goal.

### **State Development and Redevelopment Plan**

The State Development and Redevelopment Plan, last adopted March 1, 2001 is organized around eight goals which respond directly to legislative mandates of the State Planning Act. Two of these goals, most closely related to the proposed Redevelopment Plan, are described below.

#### ***Goal 1- Revitalize the State’s Cities and Towns***

The Redevelopment Plan will provide for the redevelopment of a formerly obsolete and decrepit site into a planned commercial development consisting primarily of uses oriented towards the Rt. 31 corridor.

#### ***Goal 7- Preserve and Enhance Areas with Historic, Cultural, Scenic, Open Space and Recreational Value***

Though the single family house on the site is not listed on the local or other historic registers, it nonetheless is important in the retention of the Marshall’s Corner hamlet which will only grow in importance over the coming years.

The State Plan further indicates 11 policy objectives which should be used to guide the application of the State Plan’s Statewide Policies within Planning Area 1. The proposed Redevelopment Plan relates to two of these objectives which are described below. As such the proposed Redevelopment Plan is in compliance with State Plan planning objectives and policies.

- ***Land Use:*** Guide development and redevelopment into more compact forms—Centers and former single-use developments that have been retrofitted or restructured to accommodate mixed-use development, redevelopment, services and cultural amenities.
- ***Historic Preservation:*** Encourage the preservation and adaptive reuse of historic or significant buildings, Historic and Cultural Sites, neighborhoods and districts in ways that will not compromise either the historic resource or the area’s ability to redevelop.

## **GENERAL PROVISIONS OF THE REDEVELOPMENT PLAN**

### **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 this Redevelopment Plan and carrying out redevelopment projects. In doing so, the Township Committee shall have the powers set forth in *N.J.S.A. 40A-12A-8* to effectuate all of its duties and responsibilities in the execution and implementation of this Redevelopment Plan.

### **Redeveloper Selection**

The Redevelopment Authority may select one or more redeveloper(s) for the redevelopment of the entire redevelopment area or portions thereof as it deems necessary. The selection of the redeveloper or redevelopers shall be by responses to a request for proposal or other fair and equitable means of selection as determined by the Redevelopment Authority. The Redevelopment Authority shall select a redeveloper(s) based on the entity’s experience, financial capacity, ability to meet deadlines, flexibility in meeting market demands within the framework of the Redevelopment Plan, and additional criteria that demonstrate the redeveloper’s ability to implement the goals and objectives of the Plan.

### **Redevelopment Agreement**

Once a redeveloper has been selected, the Redevelopment Authority shall enter into a redevelopment agreement with the redeveloper that comports with the requirements of *N.J.S.A. 40A:12A-9*.

In addition, the redevelopment agreement may contain the following additional provisions:

1. Interim and final redeveloper designations;
2. Terms for dispute resolution;
3. Allowance for changes in the agreement should a “force majeure” event occur;
4. A guarantee of performance by the redeveloper to ensure completion of the project and that other obligations of the redevelopment agreement are met;
5. Any sharing of costs between the public and private entities;
6. Default and termination clauses and their remedies for failure to perform by the redeveloper;

7. Provisions that specify allowed deviations from the development regulations, excepting the use regulations;
8. Provisions addressing Payments In Lieu of Taxes or other tax abatement and impact mitigation provisions;
9. Transfer of development and other rights of the redeveloper;
10. Development proforma;
11. Affordable housing obligations; and
12. Any other clauses deemed necessary to effectuate the Redevelopment Plan by the Redevelopment Authority.

Any development or construction within the redevelopment area shall be undertaken in accordance with a contractual Redevelopment Agreement between the Redevelopment Authority and a municipally designated redeveloper or redevelopers. The Redevelopment Agreement shall be in full force and effect prior to the redeveloper making application to the Planning Board for any conditional use, site plan or subdivision approval.

### **Effect of Redevelopment Agreement**

The execution of the Redevelopment Agreement shall convey the right to acquire all or a portion of the Pennytown Redevelopment Area; prepare a site plan or subdivision application for redevelopment to the Hopewell Township Planning Board in accordance with the terms of the Redevelopment Agreement and Redevelopment Plan, among other rights that may be granted by the Redevelopment Authority. In addition, the execution of the Redevelopment Agreement shall establish the period of time as such rights to develop under the terms and conditions of the Redevelopment Plan shall be granted. Nothing herein shall prevent the Redevelopment Authority and redeveloper from mutually agreeing to an amendment of the Redevelopment Plan as it affects the redeveloper's property from time to time or at any time. However, any amendment to the Redevelopment Plan must proceed through the same public notice and hearing process as applies to the initial adoption of the Redevelopment Plan.

### **Staff Employment**

The Redevelopment Authority may employ or contract for and fix compensation of such experts and other staff and services as it may deem necessary, including, but not limited to, architecture, economic forecasting, engineering, environmental, landscape architecture, legal, market analysis, planning, and transportation consulting services.

However, the Redevelopment Authority shall not authorize expenditures which exceed, exclusive of gifts, grants or escrow accounts, the amounts appropriated for its use.

### **Expiration**

The Redevelopment Plan shall remain in full force and effect for a period of twenty (20) years from the date of adoption of this Redevelopment Plan by the Township Committee. Notwithstanding this provision, the period of time granting rights for the redevelopment of any particular parcel within the redevelopment area shall be as established in an executed Redevelopment Agreement (*see* Effect of Redevelopment Agreement, above).

## **DEVELOPMENT PLAN REVIEW AND APPROVAL**

### **Pre-application Conference and Concept Plan**

Prior to submission of any application for development, the redeveloper shall meet for a pre-application conference with the Township Administrator to insure that the requirements of the Redevelopment Plan are addressed. The Township Administrator may include in such meeting any appropriate governing body, planning board or staff person necessary, provided such meeting represents one less person than constitutes a quorum of such body or board.

The redeveloper shall submit a concept plan to the Township at an early stage of the design process. The redeveloper shall present concept drawings of the project illustrating its compliance with the Redevelopment Plan. The Township shall provide the redeveloper with written comments and if need be, alternative sketches, in response. The concept plan shall be compared with the design standards in this Redevelopment Plan as the basis for the review.

### **Escrow Fee**

The Redevelopment Agreement shall provide that the Redeveloper(s) shall be responsible for payment of all professional fees and expenses related to the Township's cost of negotiating and preparing the Redevelopment Agreement(s), any financial and PILOT agreement(s) and any and all related agreements, resolutions, and ordinances as may be necessary. Redeveloper(s) seeking approval of a project in the Redevelopment Area (such as, but not limited to, a conditional use, subdivision or site plan approval) shall establish an escrow account with the Redevelopment Authority from which any consultants necessary for the Authority's review of the redevelopment project shall be paid. Such escrow account shall be in accordance with *N.J.S.A. 40:55D-53.2* and as further and more specifically provided for in the Redevelopment

Agreement. The Redevelopment Authority shall adopt a fee schedule by resolution and may amend it from time to time as circumstances warrant.

### **Application for Development**

The application for development shall be submitted in such form, and accompanied by such maps, documents, and materials as are prescribed in the Land Use and Development Ordinance Application Checklist(s), with the following additional submission requirements:

1. A Sustainable Design Assessment;
2. An architectural elevation of each façade;
3. A detail of each of the following building elements:
  - A. Main and secondary building entrances. A typical entrance may be shown if the main and secondary entrances are the same.
  - B. Typical window and surrounding architrave.
4. A site section for any portion of the redevelopment site adjacent to an arterial roadway or as otherwise requested by the Township.
5. A sample board(s) for review by the Township upon which are attached the actual materials to be used on each façade, including but not limited to, window glass, window frame, architrave, base, field, cornice and accent materials. Simultaneously, or as a separate application, the materials to be used in any signage for the redevelopment shall be submitted for review.
6. A copy of any protective covenants or deed restrictions applying or to be applied to the subject land.
7. Any existing or proposed easement or land dedicated or reserved for public use beyond that already indicated in the Redevelopment Plan.
8. A list of all required regulatory approvals at the municipal, county, state, and federal level of government and their status.

### **Redevelopment Authority Approval**

The Redevelopment Authority shall certify the consistency of an application for development with the Redevelopment Plan prior to its submission by the redeveloper to the Hopewell Township Planning Board. As a condition precedent to the filing of any application for development to the Planning Board for any property governed by

this Redevelopment Plan, the Redevelopment Authority shall execute a Redevelopment Agreement with the redeveloper.

### **Public Notice and Hearing**

Any action towards the certification of consistency of a redevelopment project within the redevelopment plan by the Redevelopment Authority shall be taken at a public hearing of the Redevelopment Authority that is open to the public. The redeveloper shall provide notice to the public in the official newspaper of the municipality at least ten (10) days prior to said hearing in accordance with the procedures contained within *N.J.S.A. 40:55D-1 et seq.* for an application for development.

### **Planning Board Review**

1. Site plan and subdivision review shall be conducted by the Hopewell Township Planning Board pursuant to *N.J.S.A. 40:55D-1 et seq.* Site plan review shall consist of a preliminary site plan application and a final site plan application. Subdivisions shall consist of a preliminary major subdivision application and a final major subdivision application. Subdivisions shall be filed with the county recording officer by plat. Applications may be submitted for individual buildings, or groups of buildings.
2. The Hopewell Township Planning Board may grant deviations from the strict application of the regulations contained within this Redevelopment Plan, except those standards and regulations specified in paragraph 3 below, in accordance with the provisions of *N.J.S.A. 40:55D-60* and *-70c*.
3. No deviations shall be granted that result in any of the following effects or conditions:
  - A. To allow a use not specifically permitted within the redevelopment district;
  - B. Exceeding the maximum floor area beyond those permitted;
  - C. Exceeding the maximum building or structure height as measured in feet and/or stories.
  - D. Deviation from the phasing plan for public improvements or other contractual obligations of the redeveloper to the Redevelopment Authority.
  - E. Deviations which will result in a change to the project phasing requirements set forth below.

Any deviation sought that would necessitate the granting of a variance under *N.J.S.A. 40:55D-70.d*, and any change in the phasing schedule shall require an amendment of this Redevelopment Plan.

### **Project Phasing**

No phasing of any development shall be permitted in the Pennytown Redevelopment Area except in conformance with an executed Redevelopment Agreement with the Redevelopment Authority. The redeveloper may apply as part of an application for development approval before the Planning Board for a phasing plan. The phasing plan shall be in accordance with an implementation schedule, which shall be binding upon the redeveloper.

### **Effect of Approval**

The effects of any Planning Board approval shall be consistent with the rights granted by Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*) except to the extent they may be modified by the Redeveloper's Agreement.

ATTACHMENT A

USE	Motel	Gymnasium Nursery & Garden Center	Mortuary, Medical Clinic, Child care centers	Office or Bank	Commercial Recreation such as Swim Club, Tennis, Golf Driving Range, Miniature/ Par-3 Golf, Theater, Bowling and similar uses; Bed & Breakfast	Veterinary Hospital	Retail Sales and Services	Restaurants , Night clubs, Bars	Shopping Center	Single Family Dwelling 8,000 sf. (3 acres if on-site septic)
Min. Lot Area	5 ac.	2 ac.	3 ac.	1 ac.	4 ac.	1 ac.	80,000 sf.	3 ac.	5 ac.	
Min. Lot Depth	300'	250'	300'	200'	250'	200'	250'	300'	300'	80'
Min. Lot Width	300'	250'	250'	200'	250'	150'	250'	250'	300'	90'
Min. Front Yard	80'	100'	80'	65'	80'	80'	100'	80'	80'	25'
Min. Side Yd. (ea.)	80'	50'	50'	30'	50'	50'	50'	50'	80'	10
Min. Rear Yard	80'	70'	60'	40'	80'	80'	70'	60'	80'	50
Max. Bldg. Height	25' to eaves; 35' to ridge	25' to eaves; 35' to ridge	25' to eaves; 35' to ridge	25' to eaves; 35' to ridge	25' to eaves; 35' to ridge	25' to eaves; 35' to ridge	25' to eaves; 35' to ridge	25' to eaves; 35' to ridge	25' to eaves; 35' to ridge	25' to eaves; 35' to ridge
Max. Lot Cover <sup>(1)</sup>	50%	50%	50%	65%	50%	40%	65%	50%	50%	50
Max. Floor Area Ratio	0.15	0.10	0.15	0.10	0.15	0.20	0.20	0.15	0.15	N.A.

Note 1: The maximum impervious surface or lot coverage for the entire tract shall not exceed 50% of gross tract area.