

**2021 PERIODIC REEXAMINATION  
OF THE MASTER PLAN  
AND DEVELOPMENT REGULATIONS**

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

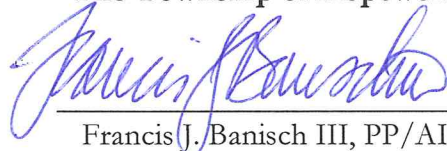
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**In consultation with:**

**The Township of Hopewell Planning Board**

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The original of this document has been signed and sealed pursuant to N.J.A.C. 13:41-1.3

## INTRODUCTION

The Municipal Land Use Law (MLUL), at N.J.S.A. 40:55D-89 includes the following statement relative to the periodic examination of a municipal Master Plan:

*“The governing body shall, at least every ten years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 10 years from the previous reexamination.”*

The Township of Hopewell Planning Board adopted the most recent Periodic Master Plan Reexamination on December 15, 2011. Prior to that, reexamination reports were completed in 1992, 1998, 2002, 2007 and 2009. In addition, the Township of Hopewell Planning Board last adopted the following comprehensive master plans and amendments as follows:

- Housing Element and Fair Share Plan (adopted July 18, 2019)
- Open Space and Recreation Plan Element (adopted June 28, 2018)
- Master Plan Amendment Creation of the OP 1 Zone (adopted December 8, 2016)
- Farmland Preservation Plan Element (adopted January 26, 2012)
- Land Use Plan Element (adopted November 19, 2009)
- Utility Services Plan Element (adopted November 19, 2009)
- Community Facilities Plan Element (adopted April 12, 2007)
- Circulation Plan Element (adopted March 9, 2006)
- Stormwater Management Plan Element (adopted March 22, 2005)
- Historic Preservation Plan Element (adopted December 9, 2004)

The Municipal Land Use Law requires consideration of five areas (N.J.S.A. 40:55D-89a-e) within the Reexamination Report, which are discussed below:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.

d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

e. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

**C. 40:55D-89a “The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.”**

The 2011 Reexamination Report identified a series of issues and objectives related to land use in the Township, as follows:

**Marshall’s Corner/Pennytown Area In Need of Redevelopment**

In August 2009, the Township completed “An area in need of redevelopment” investigation, under the requirements of the New Jersey Local Redevelopment and Housing Law (NJSA 40A:12A-1) for the Marshall’s Corner/Pennytown Area consisting of Block 33, Lot 1.02; Block 37, Lots 17.01, 17.02, 17.03, and 17.04; and Block 37, Lot 21. The conclusion of the study identified that the conditions such as building conditions, utilities, environmental conditions, applicable land use and zoning regulations and property records were sufficient to designate the area as an “area in need of redevelopment”. The Township held a series of meetings regarding the redevelopment process and public sessions for the creation of a design framework for the redevelopment area.

**Residential Agricultural Standards**

The Township amended the “words defined” section of the ordinance to provide a definition for Home Agriculture which includes the production of agricultural products for the use of home consumption. The Township identified an increase in home agricultural activities, or those activities where residential properties were becoming involved in raising vegetables, fruits, poultry and other small-scale products for home consumption. The Township sought to encourage such activities since these activities reflected the agricultural and rural nature of the Township and also promoted sustainable and healthy lifestyles. However, such activities were not subject to Right-to-Farm protections and should be provided a separate classification of regulations.

To that end the 2011 reexamination report sought to clarify the Township’s Land Development Ordinance and Right-To-Farm Ordinance by providing a Home Agriculture definition in the Right-to-Farm Ordinance, which would eliminate the word “livestock, and amend the “Words Defined” section to include this change to the definition of Home Agriculture.

### **Lawrence Hopewell Trail (LHT)**

The 2011 reexamination report reviewed the Lawrence Hopewell Trail (LHT) which consisted of 20 miles of bicycle and pedestrian trails through public and private lands in Lawrence and Hopewell Townships. The reexamination report recommended that the Township should establish a trails plan to develop connections between the Borough and Township neighborhoods and open space areas. Included in the recommendation was that the feasibility of establishing additional trail networks including feeder paths to connect other open space, historic resources and community facilities to the main path be determined. The trail and future connections should be incorporated into the Township's circulation element of the Master Plan.

### **R-6 Zone**

The R-6 District, immediately to the northwest of Pennington Borough on either side of Route 31, provided low- and moderate-income age-restricted housing for persons 55 or older with permitted housing types limited to higher density apartments, townhouses, quadplexes or similar forms of multi-family housing. The properties within the R-6 had been developed with the remaining area sold to the Township, therefore making the R-6 designation obsolete. The 2011 reexamination report stated the area should be rezoned to reflect the existing character and development potential of the area.

### **R-100 Zone**

The R-100 Zone provides two density standards, where a minimum lot area of nearly one acre (40,000 square feet) is required for lots served by wells and septic systems, while a smaller lot area (20,000 square feet conventional or 7,000 square feet cluster) could be permitted if centralized sewer facilities became available. Sewer service cannot be expected to serve these areas in the foreseeable future and therefore the 2011 Reexamination report recommended that the lower 40,000 square foot density and area requirements be removed, and the 80,000-square foot minimum should prevail.

### **Green Plan Element**

The Planning Board recommended in the 2011 reexamination report that a Green Element be prepared and adopted to reflect the Township's goal for sustainable land use and development practices. The recommendations including providing regulations which encourage the use of alternative energy sources while minimizing their impacts on landscape function and the aesthetic character of the Township. The Green Plan Element could also encourage efforts such as recycling, design standards, water conservation, and wastewater management.

### **Natural Resources Inventory**

In 2010, the Hopewell Township Environmental Commission prepared an Environmental Resource Inventory with the assistance of The Delaware Valley Regional Planning commission (DVRPC) and several other municipal and regional contributors. The NRI included several documents and reports previously prepared by the Township, including the Hopewell Township's 2002 Master Plan and the

2001 Hopewell Township Groundwater Resources Report, as well as a number of reference works. Retention of the NRI in planning documents provided information to help preserve and protect the ecosystem, not only for the Township for the region and beyond.

### **Recreation Uses and Activities**

The Planning Board recommended a review of private recreation uses, including full-sized playing fields, off-road vehicle tracks, and other larger scale recreational areas not seen as traditional backyard recreational activities. The increase in these types of areas in residential neighborhoods can negatively impact adjoining properties. The 2011 Reexamination Report recommended the Planning Board provide recommendations to the Township Committee on land use policies and regulations to address any potential negative impacts of non-traditional recreational areas.

### **Ordinance Recommendations**

The 2011 Reexamination report identified several items in the Land Development Ordinance that required clarification, including:

#### Sign Ordinance Section 17.106

Sign regulations appear in the zoning and design standards sections of the ordinance, which results in confusion regarding the necessary relief sought, and could impact the jurisdiction of an application seeking relief from the sign ordinance.

The recommendation in the 2011 reexamination report was to place all sign regulations in the zoning ordinance and require c(1) zoning relief rather than use variance relief.

#### Grandfathering Provisions Section 17-160(m)

The prior reexamination report sought specific changes to the grandfathering provisions to eliminate confusion regarding set back areas and lot dimensional issues in the MRC and VRC districts.

#### Grandfathering Provisions Section 17-159(j)

The prior reexamination report also recommended a grandfather provision be included for the R-100 District which was implemented in 2001. This would allow lots less than 80,000 square feet created prior to 2001 relief for lot size, like the relief granted for the MRC and VRC districts.

### **Other Ordinance Comments**

Additional comments included updates to R-100 conventional development standards to reflect the majority of existing lots in the district, a review of driveway and off-street parking and loading areas (§17-83 & §17-95), rewording of the Temporary Activities Permit (§17-19), setbacks; standards for pods/pack-rats (storage containers); setbacks for detached and attached structures; location of solar panels, heat houses and windmills; and, outdoor displays. During the 2021 Reexamination review, the Board determined that the reference to “heat houses” refers to greenhouses.

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

**Marshall’s Corner/Pennytown Area In Need of Redevelopment.**

The Pennytown Redevelopment Plan was adopted on November 28, 2016. The plan is applicable to the commercial portions of the area in need of redevelopment consisting of Block 33, Lots 1.021 and 1.022. The goals and objectives of the Plan incorporated the intent of the Plan to provide appropriate design standards, preservation and adaptive reuse of the historic structures, require high quality aesthetics to promote the gateway to the Township, utilize green building techniques, preserve natural features and advance the goals of the Route 31 Corridor Design Study. The Plan provided a mixed use of the site which would include retail, personal service, and office space as well as lands for conservation and historic preservation. This site should be reevaluated during preparation of an Economic Plan Element.

**Residential Agricultural Standards**

The Right-to-Farm ordinance includes a definition of home agriculture which includes the production of agricultural uses for home use. In addition, the Township adopted standards for the keeping of chickens for home use and provided regulations regarding the minimum lot size, number of allowable chickens and care requirements through the Animal Control Section 5-3.4. In light of the legalization of cannabis in New Jersey, the Township may wish to explore residential cannabis cultivation.

**Lawrence Hopewell Trail (LHT)**

The 2011 reexamination report recommended that the Township should establish a trails plan and continue to expand and enhance the trail system. The recommendation included preparing a feasibility of feeder paths to connect other open space, historic resources and community facilities and the incorporation of the LHT into the Township’s Circulation Plan Element of the Master Plan. To date the inclusion of the LHT into the circulation plan has not been completed, however the Township continues its efforts to expand the LHT with connections and enhancements of the trail and promote connections to other trail elements and pedestrian systems.

**R-6 Zone**

The R-6 zone district found along Route 31 to the northwest of Pennington Borough has not been developed as planned and should be further studied.

**R-100 Zone**

The R-100 Zone was amended to reflect the 80,000 square foot minimum lot area and retained a 20,000 square feet conventional or 7,000 square feet cluster development option in the event that a centralized sewer facilities became available.

**Green Plan Element**

The Planning Board recommended that a Green Element be prepared and adopted to reflect the Township’s goal for sustainable land use and development practices. To date, the Green Plan has

not been developed, however the goal to prepare and adopt a Green Plan Element remains in an effort to providing regulations which encourage the use of alternative energy sources and sustainable design while minimizing their impacts on landscape function and the aesthetic character of the Township.

### **Natural Resources Inventory**

The 2010 Environmental Resource Inventory includes several documents and reports previously prepared by the Township, including the Hopewell Township's 2002 Master Plan and the 2001 Hopewell Township Groundwater Resources Report, as well as a number of reference works. The Township continues to support the retention of the NRI in planning documents provided information to help preserve and protect the ecosystem, not only for the Township for the region and beyond.

### **Recreation Uses and Activities**

The Planning Board recommended a review of private recreation uses, including full-sized playing fields, off-road vehicle tracks, and other larger scale recreational areas not seen as traditional backyard recreational activities. The Planning Board is in the process of updating the Open Space and Recreation Plan (OSRP).

### **Additional Ordinance Amendments**

#### **Sign Ordinance Section 17.106**

The sign ordinance has not been amended since the prior reexamination report to provide the clarification sought by the zoning board regarding jurisdiction of sign applications.

#### **Grandfathering Provisions Section 17-160(m)**

The grandfathering provisions found in the MRC and VRC district have not been amended since the prior reexamination report.

#### **Grandfathering Provisions Section 17-159(j)**

A grandfather provision for the R-100 District has not been implemented as recommended in the prior reexamination report and the Board has reviewed this issue and determined that it is not necessary to make this change.

**C. 55D-89c “The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.”**

## **LEGISLATIVE ACTIONS**

### **New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act (P.L. 2021, c. 16)**

On February 22, 2021, the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” was approved. A-21 (P.L. 2021, c. 16), and associated A-1897 (P.L. 2021, c.19), decriminalized marijuana and hashish possession and allowed the cannabis use and possession for adults 21 years and older. The Governor also signed S-3454, clarifying marijuana and cannabis use and possession penalties for individuals younger than 21 years old. Any existing municipal ordinance regulating or prohibiting cannabis is null and void and must be readopted to be effective.

The new act provides municipalities until August 21, 2021, to either prohibit, “Opt-Out”, of permitting cannabis activities or “Opt-In”, partially or fully, to chosen cannabis activities. If municipalities take no action by August 21, 2021, cannabis activities will be permitted in the municipality, depending on the type of facility and existing zone districts.

Municipalities that opt-in to cannabis activities must permit those activities for five years. After five years a municipality is provided 180 days to amend any existing ordinances or prohibit cannabis operations. Municipalities that opt-out are permitted to opt-in at any time over the next 5-years. However, regardless of the municipality decision at this time, a municipality cannot prohibit the delivery of cannabis items and related supplies by a delivery service within their jurisdiction.

The newly adopted act also requires the formation of the Cannabis Regulatory Commission at the State level tasked with the regulation and oversight of cannabis activities. As of this date, the Cannabis Regulatory Commission has been formed and is in the process of seeking public comment regarding cannabis activities and their regulation.

### **Cannabis Use Licenses and Facilities**

The act created six distinct classes of licenses for activities which a municipality can permit or prohibit as outlined below. Persons seeking a license must live in New Jersey for at least 2 years prior to the date of the application, must be 21 years old, must undergo a criminal history background check, and meet the regulations adopted by the Cannabis Regulatory Commission. Applications for a license will be submitted to the Cannabis Regulatory Commission and must also be submitted to the municipality within 14 days. Municipalities must determine whether the application complies with all local restrictions as identified in any “opt-in” ordinance. The applications must include items such as quality control, recall plans, water and wastewater management, odor mitigation practices, safety and security plans, and community impact, social responsibility, and research statements. Any new cannabis facility is also required to follow all applicable planning and zoning regulations, seek necessary permits, site plan approvals, and zoning board approvals as needed. A municipality must then inform the Cannabis Regulatory Commission if the application complies with all local ordinances.



The cannabis licensing classes are as follows:

Class 1 License – Cannabis Cultivator

A class 1 license permits the licensee to grow, cultivate or produce cannabis in New Jersey. The holder may also sell or transport their product to other cannabis growers, processors, wholesalers, or retailers; however, this class of license does not permit direct sale to consumers.

Class 2 License – Cannabis Manufacturing

A Class 2 license permits the holder to process cannabis items in New Jersey by purchasing or obtaining usable cannabis and can manufacture prepared and packaged cannabis items for sale. The holders of this license may also transport the manufactured items to other cannabis processors or retailers but are not permitted to sell directly to consumers.

Class 3 License – Cannabis Wholesaler

A Class 3 license permits the holder to purchase, obtain, store, or transport cannabis items. These items can be transported or held for other cannabis wholesaler or to a cannabis retailer however, the holder of this license is not able to sell or move product directly to consumers.

Class 4 License – Cannabis Distributor

A Class 4 license permits the holder to transport items in bulk within the state from one cannabis establishment to another. A distributor is able to temporarily store items in transport.

Class 5 License – Cannabis Retailer

A cannabis retailer is permitted to purchase or obtain usable cannabis from cultivators, manufacturers, or wholesalers and sell these products directly to the consumer from a retail store. A retailer may also employ a cannabis delivery service or handler for off premises delivery of cannabis items and related supplies to the consumer. A retailer must also accept any consumer purchase from a cannabis delivery service intended to be delivered to a consumer.

Class 6 License – Cannabis Delivery

A Class 6 license permits a delivery services or courier, for the purchase and delivery of cannabis items to consumers. License holders are able to transport cannabis and related items directly to the consumer by purchasing the items from a licensed cannabis retailer. Sales of such items can use a third-party technology to receive, process, and fulfill orders by the consumer.

Land Use and Cannabis

As stated previously, at this time there is little guidance on land use regulation of cannabis activities outside of what is presented in the act. The intent of the license approval system is to ensure that cannabis activities meet all applicable local ordinances. Further guidance from the Cannabis Regulatory Commission will be forthcoming, after public input and consideration has occurred, however it is not anticipated that additional guidance will be available prior to the 180 days, or August 21, 2021, deadline for municipal decisions. The following is a summary of land use consideration specifically addressed in the current act:

- Delivery of cannabis. A municipality may opt-out of cannabis activities in their entirety or they may opt-in partially or fully, but the delivery of cannabis and related items to persons over 21 cannot be prohibited regardless of a municipal decision. Municipalities may adopt ordinances regulating the number of cannabis establishments, distributors, or delivery services located within their boundaries. The municipality may also adopt ordinance that regulate the location, manner, times of operation for cannabis establishments and distributors. The Cannabis Control Commission will ultimately determine regulation of delivery services.
- Drug-Free School Zones. The act removed cannabis from the definition of a controlled dangerous substance as identified in the Comprehensive Drug Reform Act in New Jersey, which would remove the 1,000 foot “drug-free school zone” for cannabis retailers. However, Federal law continues to identify all forms of marijuana, including medicinal marijuana, as a Schedule 1 controlled substance that has potential for abuse and diversion pursuant to the Controlled Substances Act, 21 U.S.C. §§ 801 et seq. Under the federal Controlled Substances Act, “distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within 1,000 feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or within 1,000 feet of a public or private youth center, public swimming pool, or video arcade facility,” remains a Federal criminal offense. Thus, the Drug-Free zone is still enforceable.
- The NJ Smoke-free Air Act, prohibiting tobacco smoking in any indoor space under NJSA 26:3D-57, also applies to cannabis items through smoking, vaping, or aerosolizing. A municipality may adopt an ordinance making it unlawful for any person 21 years of age or older to consume cannabis through other means, (i.e., edibles) in a public place, including any indoor public place as the term is defined in N.J.S.A. 26:3D-57. Because of the broad definition of public place as defined by N.J.S.A. 26:3D-57, a municipality in effect has the authority to restrict the consumption by any means, to a private residence.

## **Farmland and Cannabis**

The cannabis regulations regarding farmland are as follows:

- Farmland Assessment. The growing of cannabis is a permitted activity under the act and can be classified an agricultural product, however, farmland converted to the growing of cannabis is not subject to farmland assessment. The law specifically prohibits a cannabis cultivator from operating or being located on land that is valued, assessed, or taxed as an agriculture or horticultural use pursuant to the Farmland Assessment Act of 1964.
- Preserved Farmland. It is unclear how the new cannabis regulation would impact preserved farmland. Medical cannabis has been considered an agricultural crop based on New Jersey’s agricultural statutes, it would stand to reason that recreational cannabis would also meet this definition. However, because cannabis is prohibited at the federal level, it has been the

Natural Resources Conservation Service’s position to not permit the growing of medical cannabis on any farm that has been preserved with federal Farm and Ranch Lands Protection Program funding. This policy would likely extend to non-medical cannabis growing as well.

- Right-to-Farm. The Right to Farm Act requires that commercial farms be in compliance with all applicable federal or State statutes or rules and regulations to qualify for right-to-farm protection. Growing cannabis is prohibited by federal law and therefor growing and processing of cannabis is not protected under the Right to Farm Act.

### Local Cannabis Tax

Municipalities that permit cannabis activities may enact a local cannabis tax that cannot exceed 2% for cannabis cultivator, manufacturer, and/or retailer; and 1% for wholesalers. The tax percentage is based on the receipts for each sale and is paid directly to the municipality in the manner prescribed by the municipality. Any delinquencies are treated the same as delinquent property taxes. The tax cannot apply to delivery services to consumers or transfers for the purpose of bulk transportation.

A municipality may also impose a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment located within the municipality. If a municipality adopts an ordinance providing for a transfer tax the ordinance must also provide for a user tax. This user tax must be equivalent to the transfer tax rates, on any concurrent license holder, operating more than one cannabis establishment. The user tax allows for tax parity, by preventing vertically integrated cannabis establishments from avoiding the transfer tax.

## MERCER COUNTY PLANNING

### **Mercer County 2021 Open Space Preservation Plan**

The County has prepared and adopted a new 2021 Open Space Preservation Plan. While the Plan is intended to highlight the goals and objectives of the Mercer County, the Township can utilize the Plan to bolster open space preservation activities at the Township level. The Plan highlights several “Action Areas” within the Township that includes the areas surrounding Hopewell and Pennington Borough’s as well as lands in the Sourlands and along the Delaware River. Seeking a partnership with the County will enhance open space preservation efforts and provide additional opportunities to achieve the goals of the Township.

### County of Mercer Farmland Preservation Plan 2020

Mercer County’s farmland preservation policies are outlined in the Farmland Preservation Plan. As with the Open Space Plan, the alignment of goals and objective and Farmland Preservation ADA’s help to ensure additional resources and opportunities for the Preservation of Farmland in the

Township. The Township seeks to continue preservation efforts and partner with the County to achieve local and regional Farmland Preservation.

## **MUNICIPAL LAND USE LAW**

### **Land Use Plan**

The Municipal Land Use Law has amended the requirements for a Land Use Plan Element since 2011. The new amendment states (NJS 40:55D-28-b(2)(f)):

- (f) including... a statement of strategy concerning:
  - (i) smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations,
  - (ii) storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and
  - (iii) environmental sustainability

Therefore, any new or amended Land Use Element must now include information regarding smart growth, storm resiliency, environmental sustainability and other requirements.

### **Master Plan Reexamination Report**

The MLUL was amended in May 2011 to modify the requirement for municipalities to conduct a periodic examination of the Master Plan and development regulations at least once every ten years. The standard had been every six years. [NJS 40:55D-89]

## **OTHER LEGISLATIVE ACTIONS**

### **Renewable Energy Facilities on Preserved Farmland**

When a farm is preserved, the landowner covenants that the preserved farm will only be used for agricultural purposes in a restriction that runs with the land. An amendment to the Agricultural Retention and Development Act to permit the installation and operation of biomass, solar or wind energy generation facilities on preserved farmland was enacted on January 16, 2010.

On June 3, 2013, new rules regarding solar energy generation on preserved farms went into effect as a means to provide an offset of costs to farmers for energy consumption while limiting the area of farm resources dedicated to such uses (N.J.A.C. 2:76-24). Under the new rules solar energy facilities may not occupy more than one percent of the farm as authorized pursuant to N.J.S.A. 4:1C-32.4.

### **AMP for On-Farm Direct Marketing Facilities, Activities and Events, and Revised Right to Farm Procedure Rules**

Other rules which may have a significant impact on farm activities in the Township are the agricultural management practice (AMP) for On-Farm Direct Marketing Facilities, Activities and Events (N.J.A.C. 2:76-2A.13). The rule establishes “performance-based standards for commercial farms seeking to qualify for right-to-farm protection for on-farm direct marketing facilities, activities and events that are used to facilitate and provide for direct farmer-to-consumer sales, such as farm stands, farm stores, community-supported agriculture and pick-your-own operations, and associated activities and events that fit within the scope of the Right to Farm Act”. The goal of implementing rules regarding marketing of farm products is to provide more flexibility to commercial farms while providing clear standards, not only for applications and permitting, but also for Right-to-Farm complaints and mediation. The AMP seeks to clarify and enhance language related to:

- Definitions
- Hours of operation
- Lighting
- Sanitary facilities
- Safety
- Signs
- Parking areas
- Buffers
- Outdoor sales areas
- Use of structures & improvements
- Use of land
- OFDM activities
- Event management plan
- Overnight lodging (NO)
- Approval of site plan elements
- Relevant federal & state laws & regulations

In addition, many of rules include language to more adequately seek municipal input and consideration of municipal zoning when applications are submitted regarding farm market activities.

### **Affordable Housing**

Hopewell adopted its Third Round Housing Element and Fair Share Plan (HE/FSP) on July 18, 2019, in accordance with COAH’s Third Round rules, the Township’s Settlement Agreement with Fair Share Housing Center and court rulings. The Township Affordable Housing Plan was approved by the Court, Fair Share Housing Center, and intervenors. The plan set in motion designation of Redevelopment Areas and rezoning to address the Township’s Fair Share obligation. The redevelopment areas, which will be discussed below, comprise of CF West, located on Block 93, Lots 3.01, 5.01, 5.02, and 6.01, CF Northeast located on Block 91, Lots 3.11 and 3.95, CF/CHS – southeast located in Block 91, Lots 3.14, 3.191, 3.22, 3.161, 3.181, and 3.961, and Zaitz, located on Block 85, Lot 3. These redevelopment Plans have been adopted by the Township and meet the terms of the settlement agreements.

The remaining inclusionary zoning sites were completed through rezoning ordinances and include the Enourato parcel located on Block 78, Lot 17, the Woodmont site located on Block 78.09, Lot 21, the BMS site on Block 46, Lot 8.01, and the Deer Valley property located on Block 93, Lot 19, 45.01, 20, 46, and 60. These sites will provide affordable housing set aside outlined in the settlement agreement and will address the Township's third round affordable housing obligation.

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

**Economic Plan Element**

The Municipal Land Use Law (NJSA 40:55D-28) identifies optional elements of the Master Plan in an effort to create short- and long-term planning opportunities tailored to each municipality's needs and objectives. One such element is an Economic Development Element, which is intended to provide an opportunity to analyze existing and projected economic conditions and develop planning goals and objectives and means to address issues that may help to promote economic development and diversity.

Specifically, NJSA 40:55-D-28(b)9 states:

An economic plan element considering all aspects of economic development and sustained economic vitality, including (a) a comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the labor pool resident in the municipality and nearby areas and (b) an analysis of the stability and diversity of the economic development to be promoted;

Since the last reexamination report, the Township, like the rest of the Country, has witnessed the combined effects of the Great Recession and the COVID-19 Pandemic. The result of both these major influences and subsequent outcomes on the economy are still being determined, however, the Township, like the rest of the Country, has seen the loss of employment, large campus centers, and movement in and out of the region by differing age cohorts. The sale of the Merrill Lynch campus at a deep discount and the departure of Bristol Meyers Squibb are emblematic of this trend. The Township has also utilized Areas in Need of Redevelopment as a means to promote the reuse of properties for mixed use and mixed residential developments that maintain the Township's goals of reducing environmental impacts, reuse existing disturbed areas, and plan for larger developments in key locations where the increase in use is not out of context with the existing land use patterns.

To this end, the Planning Board recommends that an Economic Plan Element of the Master Plan be prepared. The Economic Development Plan will provide an opportunity to review existing economic contributors, land development patterns, workforce and employment characteristics of the Township. An analysis of these factors will provide a means to develop strategies to diversify the local economy, promote workforce initiative, develop economic partnerships, increase economic and natural resiliency, and foster meaningful redevelopment opportunities that will take into

consideration the location and types of development that will benefit not only new residents and employees but also provide additional development and services for existing residents.

### **Open Space and Recreation Plan Element**

The Township last adopted an Open Space and Recreation Plan in 2004 which met the requirements for an Open Space and Recreation Plan as outlined in the MLUL as well as the criteria outlined through NJDEP Green Acres program. In 2018, the Township prepared and adopted an amended Open Space and Recreation Plan at the direction of Green Acres in order to continue to participate in the Green Acres program and utilize the Planning Incentive Grants for the preservation of open space and recreational lands. While the 2018 amended plan remains relevant, and conforms to all required regulations, the amended plan was targeted to technical and site-specific updates rather than a comprehensive update.

In an effort to provide a more comprehensive, collaborative, and inclusive Open Space and Recreation Plan, the Planning Board is in the process of updating the 2018 plan including a review and revisions to the goals and objectives of the plan, updates as needed to open space and recreation inventory, a new needs analysis, amendments to the action plan as needed based on the results of the needs analysis and updates to the Open Space and Recreation System Map.

### **Land Use Plan**

The Planning Board recommends the preparation of a new Land Use Plan element. The prior plan was adopted in 2009, and as stated previously, many factors, local and nationally, have changed the economic and development landscape. A new Land Use Plan will provide an opportunity to review the existing zoning and land development patterns, examine the economic, land use and social changes seen in the last decade and provide a comprehensive update that can reflect existing conditions and provide new goals and objectives. A new Land Use Plan will review and assess the new Redevelopment activities and address issues related to providing areas for economic diversity and development, development in appropriate spaces, preservation of natural resources and areas and promotion of open space, forests, farmland and recreational areas as well as areas of cultural and historic importance. It will also include a statement of strategy concerning:

- (i) smart growth including potential locations for the installation of electric vehicle charging stations,
- (ii) storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and
- (iii) environmental sustainability.

Additionally, recently enacted P.L. 2021, c6, amended the MLUL to require municipalities to incorporate a climate change-related hazard vulnerability assessment into any Master Plan Land Use Element adopted after the date of signing.

1. analyze current and future threats to, and vulnerabilities of, the municipality associated with climate change related natural hazards;

2. a build-out analysis of future residential, commercial, industrial, and other development in the municipality, and an assessment of the threats and vulnerabilities related to that development.
3. identify critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and sustaining quality of life during a natural disaster, to be maintained at all times in an operational state;
4. analyze the potential impact of natural hazards on relevant components and elements of the master plan;
5. provide strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards;
6. include a specific policy statement on the consistency, coordination, and integration of the climate change related hazard vulnerability assessment with certain other plans adopted by the municipality; and
7. rely on the most recent natural hazard projections and best available science provided by the New Jersey DEP Local Planning for Climate Change Toolkit was developed as part of Resilient NJ, DEP's local government resilience planning assistance program.

### **Cannabis Regulations**

The New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act will continue to impact the State as municipalities review the pros and cons of providing or prohibiting cannabis related services and activities. The voters of the State of New Jersey have endorsed the legalization of cannabis for both medical and recreational adult use. The cannabis act allows municipalities to provide regulations to either prohibit such uses or support the cannabis industry in a safe and appropriate manner consistent with the characteristics of the Township.

Cannabis is now classified as a restricted product, much like alcohol and tobacco, and therefore the production and use of such products will be regulated by the State while allowing municipalities to create local ordinances to determine appropriate areas to allow cannabis facilities if they chose to opt-in.

The Township chose to opt-out of the cannabis regulations prior to the August 21, 2021 deadline in an effort to seek additional time to consider whether some cannabis activities should be prohibited or permitted in the Township. The Township subsequently determined to permit limited cannabis growing and warehousing in the southern portion of the Township in the portions of the Valley Resource Conservation (VRC) Zone

The Township recognizes that the cannabis industry promotes safe adult use of cannabis, which has been decriminalized, provides medical relief to those suffering from chronic and debilitating illness, provides local business opportunities and can provide additional support to local farmers.



A review of the regulations, appropriate licensing activities, and suitable locations within the Township were undertaken during the summer of 2021 and the enabling ordinance has been adopted. Hopewell Township has determined to allow cannabis cultivation and warehousing in a limited area of the Township near the interstate highway system. Permitting these activities close to major roadways, on properties that can provide adequate space and security, will not detrimentally impact the character of the zone or the neighborhood.

The Township has also been approached by proponents of retail sales of cannabis, which the Planning Board discussed as part of the reexamination process, concluding that such retail use should be accommodated only in commercial zones. The Township may choose to expand the range of cannabis licenses in the Township as time goes on and explore residential cannabis cultivation.

**C. 40:55D-89e The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C.40A: 12 A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality."**

The Township has undertaken the identification and preparation of several Preliminary Investigation Reports (PIR's) and Area in Need of Redevelopment designations. Many of these were in response to the Township affordable housing litigation and settlement agreements with Fair Share Housing Center and intervenors. Below provides a description and status of these areas. These areas, and discussion of any future AIN, should be reflected in any subsequent Land Use Plan.

**Marshall's Corner/Pennytown Area In Need of Redevelopment**

The Pennytown Redevelopment Area was established in September 14, 2009 through resolution 09-295. The Pennytown Redevelopment Plan was subsequently prepared and adopted on November 28, 2016. The plan does not cover the entirety of the designated Area in Need, rather it focuses on the commercial portions consisting of Block 33, Lots 1.021 and 1.022. The goals and objectives of the Plan provide appropriate design standards, preservation and adaptive reuse of the historic structures, require high quality aesthetics to promote the gateway to the Township, utilize green building techniques, preserve natural features and advance the goals of the Route 31 Corridor Design Study. The Plan provided a mix use of the site which would include general retail consisting of retail, personal service, and office space as well as lands for conservation and historic preservation.

Zaitz - Block 85, Lots 3, 4, 5.01, 7, 24 (IMF-X District)

The Zaitz redevelopment area is located in the southwest corner of Route 31 and Washington Crossing – Pennington Road. The area was determined an Area in Need of Redevelopment and Subsequent Redevelopment Plan was prepared in November 2017, amended in February 2018. The Redevelopment Area addresses the Township’s fair share plan by implementing a compliance site as outlined in a settlement agreement with Fair Share Housing Center (FSHC) and Intervener Lennar. The site is an integral part of the Township’s plan to address its 1999 – 2025 housing obligation. The settlement agreements provide that development of this property, through the creation of the IMF-X Zone district, will include 78 family rental units, affordable to very low-, low- and moderate-income households.

Block 85, Lot 30 and Block 86, Lots 32, 33, 34, 130 (Zaitz)

The Zaitz Preliminary Investigation Report was prepared on February 23, 2018. The area adjoining the previously designated Zaitz Area and acts as connectors to Diverty Road to the South and the Route 31 circle to the north. The designation provides for a strategic addition which allows for realistic and meaningful development of the larger Zaitz tract. These properties allow for better access and connectivity and reduces congestion points on the Route 31 circle.

CF Hopewell - Block 91, Lots 3.11, 3.14, 3.161, 3.181, 3.191, 3.22, 3.95 and 3.961 and Block 93, Lots 3.01, 5.01, 5.02 and 6.01 (IPD District)

The CF Hopewell area is located along Scotch Road, north of I-95, in the southern portion of the Township. Hopewell Township Committee Resolution No. 17-173, directed the Hopewell Township Planning Board to determine if the subject area qualified as a non-condemnation area in need of redevelopment. The Planning Board recommended that the site be determined an area in need of redevelopment, pursuant to a July 2017 Preliminary Investigation Report and the Township Committee concurred (Resolution No. 17-297). The Redevelopment Plan was prepared in January 2018.

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

Woodmont – Block 78.09, Lot 21 (IMF-1 District)

The property is located at Federal City Road adjoining I-95 and is a compliance site as outlined in the settlement agreement with Fair Share Housing Center (FSHC). The Planning Board recommended that the site be determined an area in need of redevelopment, pursuant to a July 2017 Preliminary Investigation Report and the Redevelopment Plan was prepared in October 2017. The site provides for the development of this property with a neighborhood of 300 rental units, of which at least 48 (16%) will be affordable to very low-, low- and moderate-income households.

BMS - Block 46, Lot 8.01

Finally, the Township adopted Resolution No. 20-102 directing the Planning Board to prepare a PIR for Block 46, Lot 8.01, the BMS site, located at Titus Mill Road and Pennington Rocky Hill Road. The Planning Board prepared and adopted the PIR in March of 2020 and is currently undertaking the preparation of the Redevelopment Plan.

Block 85, Lot 9

The Planning Board has been asked to evaluate whether this parcel qualifies as an area in need of redevelopment. This parcel adjoins the Zaitz redevelopment area and offers an additional avenue of access from The Collection, a recently approved inclusionary development. It also will aid in accommodating the proposed YMCA/Community Center.

Future Consideration

The Planning Board will conduct timely reviews and recommendations whenever a potential redevelopment site or sites are referred for Planning Board review by the Township Committee.