

**HILLSBOROUGH TOWNSHIP PLANNING BOARD**

**PUBLIC MEETING MINUTES**

**July 22, 2010**

Acting Chairman Conard called the Planning Board business meeting of July 22, 2010 to order at 7:30 p.m. All stood for the Pledge of Allegiance. The meeting took place in the courtroom of the Municipal Complex.

Acting Chairman Conard announced that the meeting has been duly advertised according to the Sunshine Law (Chapter 231, Open Public Meetings Act).

**ROLL CALL**

Mayor Frank DelCore – Present  
Michael Merdinger – Absent  
Robert Wagner, Jr. – Present  
Steven Cohen, *Secretary* – Arrive 7:35  
(left at 8:45 p.m.)  
**Greg Burchette, *Chairman*** – Absent

Arthur Stafford-Taylor – Absent  
**Sam Conard, *Vice Chairman*** – Present  
Steven Sireci, Jr. – Present  
Marian Fenwick – Present  
Douglas Tomson - Present  
Tod Mershon – Present (left at 8:45 p.m.)

Also present were Robert Ringelheim, P.P., A.I.C.P., Township Planner; Eric M. Bernstein, Esq., Eric M. Bernstein & Associates, Board Attorney; and Christina Restuccia, C.C.R.

**ACCEPTANCE OF MINUTES**

- **July 08, 2010**

A motion to approve was made by Mr. Mershon, seconded by Mr. Tomson.

**Roll Call:** Mr. Mershon – yes; Mr. Tomson – yes; Ms. Fenwick – yes; Dr. Sireci – yes; Acting Chairman Conard – yes. Motion carries.

**ACCEPTANCE OF RESOLUTIONS**

None

**PLANNING BOARD BUSINESS**

- Review of Transfer of Development Rights Plan (TDR) Draft – Presentation by Group Melvin Design

Robert Ringelheim, Township Planner, introduced the Transfer of Development Rights (TDR) Plan stating that Hillsborough Township has evolved from a quiet farm community to a growing suburb over the last four decades. The population has increased from a little over 11,000 to almost 39,000 in 2008. Developed areas now account for approximately 1/3 of the Township's land base with residential development representing almost 22% of the Township's land area. While the growth rate has slowed considerably over the last ten years, there is still a considerable amount of land for future development that remains.

The 1999 Master Plan Amendment for Town Center and the Main Street Plan signaled a change in planning policy for the Township. Using extensive public input, including the award winning Community Vision Survey and community workshops, the 1999 Master Plan Amendment proposed a new Main Street along the portion of Route 206 to be cut off by the proposed Route 206 Bypass which would be surrounded by a Town Center District. The 1999 plan proposed additional density in the Town Center District through the use of non-contiguous clustering. This involves the transfer of development credits from the proposed Open Space Conservation Overlay District where properties would be preserved to the Main Street Overlay District where additional density would be used in development.

The approval of the Hillsborough Chase subdivision in 2003 by the Planning Board was an example of a successful non-contiguous cluster development. Toll Brothers had proposed development on five separate lots in the South Branch area but by using non-contiguous clustering, four of the lots totaling over 157 acres were preserved and the density was transferred to the remaining lot.

The 2002 Master Plan Amendment identified suburban sprawl as a major problem effecting the rural Agriculture and Mountain Districts noting that the existing three acre zoning in the Agricultural District and the five acre zoning in the Mountain District were increasingly attractive to suburban residential development as the areas permitting smaller lot sizes were developed within the Township. In order to protect encroachments on the remaining farmland to protect environmentally sensitive lands and to enhance the quality of life within the Township, the Agricultural District was recommended to be increased to ten acre zoning and the Mountain District was recommended to be increased to fifteen acres zoning. It is important to note that since the 1990's Hillsborough Township has been aggressively preserving large areas of open space and farmland using programs funded through government sources including Green Acres, the State Agricultural Development Committee and Somerset County. There is also a local open space tax which was approved in 1995 and has been a key component of this program. Through these government funded programs over 2,300 acres of farmland and additional thousands of acres of open space have been preserved.

The 2005 Master Plan Amendment – Phase II then addressed future growth areas in Hillsborough using Smart Growth planning principals for refining the Town Center concept; recommending the Transit Oriented Village; a new Corporate Center; and also addressing new development along the Route 206 and Amwell Road corridors through the Township. Use of transfer of development rights was recommended in the Transit Oriented Village and new Corporate Center as a tool to contribute significantly to the Township's agricultural and open space preservation efforts.

In 2004, around the time that Master Plan was being prepared, there was a new law signed which authorized the use of TDR Plan on a statewide basis. Previously TDR had only been permitted to be used in Burlington County. Shortly thereafter, between the law being signed and the new Master Plan, Hillsborough Township became one of the first municipalities in the State of New Jersey to launch a TDR planning study under the statewide legislation using grant money from the Office of Smart Growth and the SADC.

TDR as it is envisioned will set up sending and receiving zones that will enable the development potential in areas that have been identified as environmentally sensitive or containing large tracts of open space and farmland including areas in the Agricultural and Mountain Zones to be transferred to those areas that have the infrastructure to support future growth as identified in the 2005 Master Plan Amendment, including a Transit Oriented Village and Town Center. It is estimated that the potential TDR credits that are in this study support the preservation of an additional 4,500 acres in the sending areas at no cost to the taxpayers. Without TDR and only using those traditional government preservation programs, it is anticipated that it would cost between 42 to 60 million dollars in order to purchase the development rights of all the existing development parcels in the sending zones, using a very conservative \$7,000 to \$10,000 dollars per acre.

Finally, it is important to emphasize that TDR in Hillsborough Township will be a voluntary program for both the sending zone owners and the receiving zone owners, with land preservation made possible exclusively through private market transactions. TDR can be an effective land use tool option to implement the Township's goals of preserving rural character, farmland and critical environmental features, as well as providing a beneficial economic impact by redirecting future growth to the mixed-use Town Center, proposed Transit Oriented Village, and portions of the Highway Service District.

With that, the consulting group from Group Melvin Design and Jim Hartling who prepared the study will now present the findings.

Robert Melvin introduced himself as being part of the consulting firm of Group Melvin Design who prepared the Transfer of Development Rights (TDR) Plan for Hillsborough Township. He noted other members present as Carolyn Armstrong, project manager; Michael Mueller with Group Melvin but as previously worked on the receiving area previously with Wells Appel; and Jim Hartling with Urban Partners who is the economist who worked through the numbers.

Mr. Ringelheim gave a very good introduction so I will briefly review what TDR is and how it works; Carolyn Armstrong will speak to TDR in Hillsborough; Jim Hartling will walk you through the very complicated approach of how credits are calculated; and Carolyn Armstrong will again speak about the next steps.

There are a host of reasons why TDR may be good for Hillsborough. It can be used as a growth management tool; a way to help preserve farmland and open space through developer's money as opposed to taxpayer's money; and it can redirect growth in the Master Plan locations where it is more appropriate where infrastructure is and keep it out of areas more rural in nature where it is more difficult to serve. The way we set TDR up is to protect landowner's equity at both the sending and receiving area. Hillsborough worked on the receiving area rather extensively with Wells Appel to come up with the design standards in the receiving area so the community has a lot of power as to how it writes its design code in the receiving area.

As Bob indicated, Group Melvin Design worked on a TDR plan back in 1989 for Burlington County which was the only area in the State where Transfer of Development Rights was permitted as a pilot program; Chesterfield is the result of that. In 2005 the new legislation allowed TDR to happen across the State. We worked on Woolwich in Gloucester County which was the first to get through the State process and is in place through ordinance.

The goal of TDR is to send the development rights that are a result of zoning from the area that you wish to protect, turn those into a credit value, and then basically sell the credits to developers so that they can build those units within the receiving area; moving development from one area to another. In doing so, deed restriction is placed on the farm area against further development. Essentially each piece of land in the sending area has two values; a development value because of the zone and a farming value. What is being transferred is the development value over to the receiving area.

Every community throughout New Jersey has been trying to preserve open space for a number of years. It has become evident over the last ten years that there is just not enough money at the State Agriculture level to buy all of the farmland and open space that people wish to protect. This avenue remains an important tool but in adding the tool of TDR, you are enhancing the chances of protecting the land you wish to. Currently to date, Hillsborough has spent about 28 million dollars in your Farmland Preservation. As Bob mentioned, somewhere between 40 and 60 million dollars would be needed to protect the parcels still being looked at for preservation. There is not enough public money to do that alone.

**PLANNING BOARD MEETING MINUTES**  
**July 22, 2010**

The ultimate design is in your hands and can be realized through visioning processes, design codes and form base codes so you can not only control how the horizontal plane takes shape but also the vertical, architectural and how the density lays on the land. The TDR plan helps you to achieve your own Master Plan goals in that it recognizes agriculture as a significant and economic industry, which is one of your goal statements; preserves large contiguous areas of open space and agricultural soils; it is a tool to help maintain rural character and unique sense of place; the analysis process allows you to identify large swatches of contiguous parcels which helps agricultural businesses. Another one of your goals in the Master Plan is to promote economic development where infrastructure is available. The receiving area is in and around the proposed train station area where the Route 206 Bypass is proposed. This is also the sewer service area. Taking the developments out of the rural areas and putting them where the infrastructure is proposed is part of your goals and objectives.

Within your goals and objectives you are planning mixed-use development in high density core; creating walkable communities; critical mass that supports commercial businesses; promoting the ability to support a public transit system; providing diverse housing options; promoting the future passenger rail system. Having a reasonable density within a ¼ mile of a train station helps you score better when trying to bring that infrastructure to your community.

In short, this plan is intended to do preservation at no cost; help provide a fiscal balance through mixed-use and housing diversity; achieve Master Plan goals of open space preservation; and leverage your State funding opportunities while trying to preserve open space.

Carolyn Armstrong reviewed the statewide enabling legislature of the MLUL says if you are entertaining the idea of adopting a TDR program, there are several documents that have to be prepared. One document is the Development Transfer Plan Element, what we refer to as the TDR Plan. A utility service plan is mandatory for the receiving zones if you are looking to adopt a TDR program. Likewise, the governing body must adopt a capital improvement program specifically for the receiving zones. Our economist will be reviewing the real estate market analysis that will look at the viability and economics behind the TDR scheme to make sure it will work. This analysis must be prepared for the TDR planning process and must be subjected to a hearing although it does not need to be adopted as an element of the Master Plan. You also need a TDR ordinance. We have prepared all of these documents and provided them within the TDR Draft Plan. Also packaged in the draft is the draft architectural and site design and overlay design standards prepared by Wells-Appel.

The governing body allows townships some flexibility in how they chose to construct their own TDR program. This program is strictly voluntary. It does not force anyone in the sending zones, preservation areas or growth areas to do anything differently. It is meant to entice them to participate through incentives but does not tie anyone's hands to the program if they choose not to participate; they would simply be subject to the underlying zoning already in place.

TDR is not designed to accelerate growth in the community. Analysis suggests this program will take twenty years before full build-out could be realized. It will redirect growth out of your sending zones designated for preservation into your designated growth areas.

The Municipal Land Use Law (MLUL) suggests certain general criteria for sending zones. We worked with your staff to identify available vacant or farmland accessed privately owned properties that might qualify. The goal was to create large contiguous areas of farmland and open space in conjunction with the 9,200 plus acres you already have preserved. We were not limiting our search to only parcels adjacent to existing preserved parcels. We also looked at properties as small as two acres. The parcels for the most part are located outside of sewer service areas. They meet certain criteria that the State statute suggests such as they are in important agricultural areas, critical areas, flood plains, steep slopes, areas with habitat endangered species, aquifer recharge areas, etc. We went through a process and several iterations of the map to see ultimately what fits. The dark green areas on the display are your proposed sending zones, the light green areas are your existing preserved and open space areas, the areas in red and yellow along Route 206 are your receiving zones. In total, there are about 6,100 acres of sending zone property shown on the map. The areas in white are either developed already or are intended for other uses and are not currently in the sending zone. Most of the sending zone properties are in the AG and MZ Zones. Some properties are also in the RS, RA, CDZ and O5 Zones.

The next step in the process was to try to estimate potential lot yield on the residentially zoned sending parcels. We took information available from NJDEP and other sources along with your zoning ordinance to determine how much development potential exists on those parcels so that we can then transfer that into credits. While we were doing this our economist was looking at both our credit estimates and development program to see if there was a balance between the different areas.

Michael Mueller reviewed receiving zone criteria to have available infrastructure; opportunities for mixed-use development; opportunities for diversity; opportunity to fuel economic development; the proximity to activity centers that are currently existing; zoning that enables growth within the receiving zones, specifically the HS and TC Zones; and the ability to accommodate development potential coming out of the sending zones.

In order to make these receiving zones work they have to have public water, sewer and roadway facilities in or next to them. Generally speaking, the appropriate scale is roughly 2 to 3 story buildings. Housing is a major component in the receiving zones because it is being transferred from the sending to the receiving area but there are other opportunities for economic non-residential development as well which are proposed in the Town Center, proposed Transit Village, and the two Highway Service zones. There is opportunity to provide for single-family homes as well as detached dwelling units such as lofts,

**PLANNING BOARD MEETING MINUTES**  
**July 22, 2010**

apartments and a variety of types as outlined in the existing ordinances. The environmentally sensitive features such as stream corridor and flood plain have been identified within the receiving area. The receiving areas are dwarfed by the sending areas; we have 600 acres of receiving area and 6,000 acres of sending area. Another established criteria requires the opportunity to maneuver on foot or bike. There will be a ½ mile of walking distances within the Town Center and Transit Village so that one can realistically walk or bike the area and utilize other forms of transportation to get about. The roadway network, both existing and future was reviewed along with traffic impacts. Rail and bus services will further reduce the traffic in this area; neither was factored into the study of the traffic implications.

Carolyn Armstrong reviewed of all the housing units represented on the chart, only 130 need to be situated in the Transit Village as single family homes; all others are duplexes, townhouses, residential lofts and the like. There will also be a fair amount of commercial development that will be occurring through right, not TDR.

Rutgers University had done some research a few years ago on housing unit types and public school children. Specific to New Jersey, the research shows the larger single family homes generate far more school children than smaller multi-family units. With the results of this research we compared the build-out scenario under TDR for both the sending and receiving zones vs. the build-out scenario under current zoning. Without the benefit of TDR, we end up with 130 fewer children under TDR with almost twice as much land preserved using the tools currently available.

The Utility Service Plan for your receiving zones looks at what is needed to service the receiving zones with the TDR units coming in and the timeframe in which all of this will happen. NJ American Water, Hillsborough MUA and the Sewer Service at the Bridgewater plant are all well below maximum capacity at full build-out.

The Capital Improvement Plan looks at what this infrastructure and roadway infrastructure is projected to cost and how it will be paid for. Finally, we have a draft TDR Ordinance which is the administrative mechanism for making TDR happen locally. We set up a process enabling interested land owners to enter the program so they could formally be assigned credits and formally deed restrict or place an easement on their property in the sending zone. Our experience has shown that it might be wise to establish a credit appeal process out of fairness to property owners because our method is based on best available information from 30,000 ft. above. If they were interested in entered the program and did not think the number realistically reflected the development potential of their property, they would have the right to go through a process to demonstrate that a higher lot yield exists.

The TDR legislation requires a periodic review of your real estate market analysis and TDR plan to see if it is still working. The first review happens three years after your ordinance is adopted, the second review happens two years later and then a mandatory review five years thereafter. If at least 25% of the development potential in the sending zone has not been transferred during any given 5-year increment, you must repeal the ordinance unless it is due to economic forces such that exist today where everything has come to a halt; or unless you fix the problem in order to jump start the program; or if the majority of sending zone property owners that have not transferred their development potential yet agree to allow the ordinance to continue. So, there is a protective mechanism built in there in case there are gross failings in the program. In the draft ordinance we have created a process by which land owners who have already entered the program who find themselves stuck can disenroll.

Jim Hartling from Urban Partners reviewed the Real Estate Market Analysis component of the draft plan. The draft Real Estate Market Analysis will have its own public hearing at some point but I will make a few comments about it. We have worked on seven such analyses and have found that yours is the most complicated that we have looked at. What we are trying to do is balance the economics between 147 different parcels in the sending area within seven different zoning areas and 132 parcels in the receiving area with ten different zoning scenarios. Somehow we are supposed to come up with an economic relationship among those parcels that is fair to everybody. We have to make it effective for people who are developing in the receiving area to buy credits in the sending area in a way that works for their economics and more attractive for the property owners in the sending area then developing their property privately with a developer.

I am glad that Carolyn reviewed the appeal process because I can tell you flat out that we have not gotten it right for all 147 parcels in the receiving area or the 132 in the sending area. This is a complex process where we have to hunt for average relationships. Almost assuredly, there will be at least some parcels in the sending area who will decide after doing all of the calculations that they will make more money by developing in the sending area.

The second caveat is that the real estate market has dropped significantly the whole time we have been working on this analysis. I could only find seven parcels of land bigger than 15 acres that have sold in the township over the past five years and almost all of those are unusual circumstances. Because there is not a lot of real estate activity, we have reached back to years prior and have looked at what are typical development relationships among different types of development projects.

The third caveat is that you have not made a final decision on how the infrastructure costs are going to be allocated within the receiving area. If all of those costs have to be paid by the developer in the receiving area, there will likely be a higher infrastructure cost per unit than developers would be expecting in the sending area. There are bonus credits built into the ordinance which allows the developer in the receiving area to be able to make up for the extra costs for infrastructure. We cannot make a determination on this at this time because there has not been a decision made yet on exactly what the allocation formulas will be in the receiving area. Once that decision is made, you will most likely need to revisit some of these ratios to

**PLANNING BOARD MEETING MINUTES**  
**July 22, 2010**

make sure that the process works. Our job in all of this is to simulate how the private market will react once this is put in place. It seems reasonable to say that people will chose to participate because the economics work.

In review, there are 6,000 plus acres in the sending zone with 134 of the 147 parcels in areas under current zoning where homes could be built. A rough calculation shows 550 homes could be built on those 134 parcels. We would like to make it attractive for a developer(s) in the receiving area to buy the rites to build those 550 homes. In addition, there are 1,300 acres in the sending areas that are commercial which have not been developed because it has not been attractive for that use. Our hypothesis which is embedded in this analysis is that you could offer those property owners to turn 12 acres into agriculture or open space use and get one credit for doing so. This creates another 100 development credits and seems to be an alternative opportunity for land owners to get some value out of their property. Together the 550 credits and the 100 alternate created credits add up to 650 credits. There are a series of very complicated formulas for the desired development pattern in the receiving area. Some development is by right but we are only focusing on the development credit you say can only be done if a developer buys credits via the TDR.

The forecast of growth for your community which is accepted by county and state government expects there will be a demand for 3,800 new housing units within the next 20 years. To say that 2,170 will occur in the areas outlined is a reasonable assumption. In our assessment, there is sufficient demand to say this makes sense. Within that development program, about 400 of these units in the receiving areas happen in places or by rites that you have proposed in changes to ordinances. These have nothing to do with the transfer of development rights. By our calculations 1,770 of these units require participation in transfer of development rights. The land upon which these 1,770 units will be built right now or under the ordinances you will have in place would allow people to build 148 units by right, leaving 1,622 units proposed in the receiving area which can only be built by buying development rights. We have looked at the typical types of homes one would build in the sending and receiving areas to determine how much money one would pay for the property for each type. The relationships are different for different parts of your receiving area. Some places will involve the redevelopment of properties so there will not be a whole lot of money left over for developers to purchase development credits in the sending area. For these types of properties, we have proposed ratios as high as 5:1 allowing one to build five units in certain locations by buying one credit. In other situations the values are such that you may only have to build 1.3 units in order to effectuate a single credit. When you look at everything together, what we come up with is that the 1,622 units of demand from the receiving area can probably pay for 504 credits from the sending area. In general, for every credit that gets purchased, about 3.2 housing units will be built in the receiving area although the ratios vary among all ten of the receiving areas. 1,118 of these homes would involve density multiples, 504 of these would actually have to be credits that actually buy from the sending areas.

It appears to us that the value on average on the land component for approved property in the sending area in which you can build a home is between \$110,000 to \$125,000, without improvements. The value of farmland is \$40,000 to \$60,000 on the same parcel which could roughly be an average of 9 acres. The value of a credit is somewhere between \$60,000 and \$75,000 with the estimated average at \$67,500 in today's market. The value for the land for other kinds of more dense housing types is below the \$110,000 to \$125,000 per lot because they involve smaller lots. With that, it appears there is sufficient demand with the program you have laid out to buy 500 credits in the sending area. We can assume that during this time you will continue to purchase open space on a modest level therefore it is reasonable to think you can preserve 6,000 acres. More detailed accounting is within the 50 page document presented.

5 minute break

Open to the public

No questions/comments.

Mr. Ringelheim noted that a question and answer sheet had been handed out to the Board and members of the public present in order to answer some of the questions that might be raised.

Acting Chairman Conard thanked the consultants for their work and presentations.

Mr. Ringelheim asked that Ms. Armstrong review the next steps, should the Board decide to proceed with TDR.

Ms. Armstrong said if you were to move forward with this, the Planning Board's obligation would ultimately be to adopt the TDR Plan; adopt the Utility Service Plan; make recommendations to the Township Committee and have them adopt the Capital Improvement Program for the receiving zone and conduct the mandatory hearing on the Real Estate Market Analysis without the need to actually adopt or approve anything.

Mr. Hartling noted all property owners with a parcel in the sending and receiving areas would be officially notified by mail in advance of such a hearing.

Ms. Armstrong continued, after adopting the Capital Improvement Program but before entertaining the idea of adopting an ordinance you must receive plan endorsement from the State Planning Commission, mandatory only for municipalities pursuing TDR. This involves a petition. You would need to work through some infrastructure issues involving a state road and receive endorsements from the County, State, NJDOT and NJDEP before adopting an ordinance.

**PLANNING BOARD MEETING MINUTES**  
**July 22, 2010**

At this point you may choose to send this back to your Master Plan Subcommittee for discussion or move through each portion plan by plan.

Mr. Hartling suggested you should be adopting a TDR Ordinance no more than a year from the Real Estate Market Analysis public hearing.

Mayor DelCore asked how long the entire process typically takes.

Mr. Melvin said in our experience with Woolwich Township was a three year process so your process is expected to go another year or two beyond where we are today.

Mayor DelCore asked if Hillsborough is at a normal balance with the areas of sending and receiving in comparison to other municipalities who are currently undertaking this process.

Mr. Hartling said there was a meeting held in Trenton on Monday which some of the people in this room attended. It was remarkable to see the broad array of circumstances of each municipality considering TDR. Hillsborough looks to have more diverse expectations on the receiving side than say Berkeley Township but each has its own set of circumstances. The REMA submitted to you is the fourth draft so we have already worked a lot out.

Ms. Armstrong said TDR is being tested in all of the different environments throughout the state; rural, suburban and urban.

Mr. Melvin said conservatively, Hillsborough is 75% to 80% there. The REMA was probably the most complicated aspects of this process. The idea of having the public meetings and doing whatever is necessary for the plan endorsement is doable. The State is taking a long hard look at its criteria to see if they can make this process more user friendly which would only benefit Hillsborough.

Ms. Armstrong said I would like to note that it took us three years to get through the process in Woolwich Township but they were no where near as sophisticated in terms of plans on the books as Hillsborough Township. There is no question that Hillsborough is far ahead of them in the planning process, Woolwich being the first and only town to get through the TDR process.

**SPECIAL COMMITTEE REPORTS**

None

**BUSINESS FROM THE FLOOR**

None

**CONSIDERATION OF ORDINANCES**

**• Ordinance 2010-24 – Revise Certain Regulations Pertaining to the Town Center District**

Mr. Ringelheim reviewed that the Township Committee introduced Ordinance 2010-24 at the July 13<sup>th</sup> Township Committee meeting and referred it to the Planning Board for review. A public hearing is scheduled for August 10<sup>th</sup>. In response to several developers to provide additional flexibility that encourages Town Center development I have prepared an ordinance that addresses the specific concerns that have been raised and have clarified provisions that were not previously clear.

The first issue is that currently the ordinance only permits new mixed-use buildings in the Town Center District. However, this ordinance will also allow the creation of mixed-use buildings from existing retail buildings as long as those buildings meet all of the requirements for Town Center mixed-use development. The second issue is the Hillsborough Elementary School site at the corner of Amwell Road and Route 206. Right now the Board of Education's policy is to require any developer wishing to utilize the existing school site as a Town Center site to provide a new school replacement site and to build or fund the replacement school. The developer will have to comply with all of the requirements of the Board of Education in order to do this. We are proposing to provide an incentive for a developer to get in touch with the Board of Education to start that process in motion. The incentive that is being recommended is to give three additional dwelling units per acre for the property that will be used as the replacement school site. The developer can provide these three additional units per acre in the Town Center as part of his Town Center development. These bonus units will be within the existing 150 unit cap that is now required. The developer must use the existing dwelling types proposed such as townhouses, duplexes and triplexes. The underlying Town Center District requirements will remain unchanged.

The final issue is free standing signs which are currently not allowed in Town Center. We are proposing to allow temporary freestanding signs for existing properties in Town Center which would have to be removed at the time the developer receives a Town Center approval.

**Questions/Comments from the Board**

None

A motion to recommend Ordinance 2010-24 back to the Township Committee for a public hearing was made by Dr. Sireci, seconded by Ms. Fenwick.

**Roll Call:** Mr. Tomson – yes; Ms. Fenwick – yes; Dr. Sireci – yes; Acting Chairman Conard – yes; Mr. Wagner – yes; Mayor DelCore – yes. Motion carries.

- **Ordinance 2010-25 – Permit Indoor Recreation Facilities and Wellness Centers in the LI District**

Mr. Ringelheim reviewed that Ordinance 2010-22 was also introduced at the July 13<sup>th</sup> Township Committee meeting and has been referred to the Planning Board for review. A public hearing is also scheduled for the August 10<sup>th</sup> Township Committee meeting.

Indoor recreation facilities are currently permitted as principal uses in the other industrial zones I1, I2, I3 and GI Districts but is a conditional use in the LI District. In order to treat this use fairly across all similar zone districts, it is recommended that we permit indoor recreational facilities and wellness centers as principal permitted uses in the LI District.

Questions/Comments from the Board  
None

A motion to recommend Ordinance 2010-25 back to the Township Committee for a public hearing and subsequent adoption was made by Ms. Fenwick, seconded by Mr. Tomson.

**Roll Call:** Mr. Tomson – yes; Ms. Fenwick – yes; Dr. Sireci – yes; Acting Chairman Conard – yes; Mr. Wagner – yes; Mayor DelCore – yes. Motion carries.

**CORRESPONDENCE**

- State of New Jersey Department of Community Affairs – Letter dated 07-20-10 (TDR)
- Somerset County Planning Board – Letter of 07-20-10 (TDR)
- E-mail correspondence and My Central Jersey.Com article

Mr. Ringelheim noted letters in support of the TDR study were received from both the State and County. Also provided is correspondence from a concerned citizen regarding the TDR study.

Mr. Ringelheim reminded the Board there will be a special meeting on August 5<sup>th</sup> to consider the adoption of our Revised Affordable Housing Element and Fair Share Plan.

**ADJOURNMENT**

The meeting adjourned at 9:03 p.m.

Submitted by:  
Debora Padgett  
Planning Board Clerk