

2008
MASTER PLAN REEXAMINATION REPORT
TOWNSHIP OF HILLSBOROUGH
SOMERSET COUNTY
NEW JERSEY

Prepared for the Township of Hillsborough Planning Board
Adopted: October 23, 2008

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EXECUTIVE SUMMARY

The New Jersey Municipal Land Use Law requires that Hillsborough Township periodically review its Master Plan and development regulations and identify any changes that should be made. The Township completed its last reexamination in 2002. Since that time, there have been significant changes that impact on the future of the Township. The changes are substantial and require that the Township complete a new reexamination report. They include the issuance of a revised draft State Development and Redevelopment Plan for cross acceptance; the redesign and pending start of construction of the Route 206 By-Pass as a limited access by-pass to the existing main arterial road in the Township (Route 206) and the proposed assumption of Township jurisdiction over the existing section of Route 206 to remain after the By-Pass is constructed; the Judgment of Repose granted by the Court in 2002 as part of the settlement of Mt. Laurel litigation which provides protection from any new affordable housing litigation and from any additional COAH requirements being imposed on the Township through October 2008; adoption of the 2005 Master Plan Amendment Phase 2 which refines the concept for a Town Center and Main Street, as well as proposing the creation of a transit-ready Transit Oriented Village; the creation of an Open Space-Cultural Landscape Zone District on a portion of the Duke farms property; establishment of 3 Planning Incentive Grant (PIG) Project Areas for the preservation of large contiguous tracts of farmland; adoption of ordinances to create a Town Center, the adjoining Gateway Districts and the Highway Service District, as well as architectural design standards and a number of other environmental and planning-related ordinances; obtaining grants from the Office of Smart Growth (OSG) and the State Agriculture Development Committee (SADC) to prepare a study to determine the feasibility of using Transfer of Development Rights (TDR) to preserve open space and farmland and redirect growth to the core area of the Township served by adequate infrastructure; entering into a joint agreement with Somerset County to purchase the remaining portion of the Belle Mead GSA Depot for a major recreation/open space facility and for research and development; and obtaining a grant to establish the Sustainable Hillsborough project and monitor the recommendations.

This reexamination report recommends a number of updates and revisions to the Township Master Plan to comply with State mandates and changes to previous conditions and policies. Specific changes to the Township development regulations are also recommended in order to implement the recommendations contained in the 2005 Master Plan Amendment-Phase 2. It is noted that the State Planning Commission requires Plan Endorsement in order to implement TDR and any Housing Plan Element and Fair Share Plan adopted pursuant to the COAH Round 3 requirements.

INTRODUCTION

Every New Jersey municipality is required to maintain a current planning process by periodically reviewing its master plan and development regulations. The Township of Hillsborough Planning Board has undertaken periodic general reexaminations of the Hillsborough Master Plan and development regulations pursuant to the New Jersey Municipal Land Use Law (NJSA 49:55D-89). The last Reexamination Report was adopted on December 12, 2002 and memorialized on January 6, 2003. Significant changes have occurred since 2002 which require a new review of the Master Plan and development regulations. These changes include:

- The issuance of a new draft State Development and Redevelopment Plan for cross acceptance.
- Adoption of the 2005 Master Plan Amendment-Phase 2 which refines the concept of Town Center and Main Street; proposes Gateway Districts adjacent to the Town Center; proposes a Transit Oriented Village adjacent to a new commuter rail/bus facility adjacent to the former West Trenton commuter rail line which is being studied for potential reactivation; recommends that the Belle Mead GSA Depot becomes a Research and Development District and major open space and recreation facility; recommends a new Corporate Center District; recommends TDR to redirect growth to the Town Center and surrounding core while preserving open space and farmland; recommends that the existing HOO Districts along Amwell Road and Route 206 be addressed as a Transitional District approaching the Gateway/Town Center area; and recommends changes to the existing General Industrial (GI) District along Route 206.
- Adoption of ordinances to create a Town Center, Gateway and Highway Service (transitional) Districts pursuant to the recommendations contained in the 2005 Master Plan Amendment-Phase 2.
- An agreement with NJDOT has been reached in conjunction with Montgomery Township in order to proceed with the proposed construction of the redesigned Route 206 By-pass.
- The 2002 Judgment of Repose granted by the Court which provides protection from any new affordable housing litigation and from any additional COAH requirements until October 2008. Meanwhile, the revised COAH Round 3 affordable housing regulations were adopted in June 2008.
- The Sustainable Hillsborough Project is investigating various programs and policies affecting energy consumption, environmental protection, economic development and community health, including green building design, alternative energy sources and land uses that promote more pedestrian friendly development.
- The creation of an Open Space-Cultural Landscape (OS-CL) District on a portion of the Duke Farms property.
- Ordinances were adopted to implement architectural design standards, stream encroachment and critical area regulations.

- Due to the continued threat of sprawl created by development pressure, especially in the more environmentally sensitive areas of the Township, it is recognized that the preservation of open space and farmland remain a high priority. A variety of methods have been used as preservation tools with several new State regulations enabling the Township to explore TDR and to continue preservation efforts in the PIG Project Areas. In addition, a joint agreement with Somerset County has been entered into to purchase the remaining portion of the Belle Mead GSA Depot for open space and as a major recreation facility.
- A Stormwater Management Plan was adopted by the Board in 2005 pursuant to the new regulations from the NJ Department of Environmental Protection.

As a result, the Township has thoroughly reexamined its master plan and development regulations. This report presents the findings and recommendations for the required Reexamination Report. As required by law, this Reexamination Report address the following requirements contained in NJSA 40:55D-89, as follows:

- A. The major problems and objectives relating to land development in Hillsborough at the time of the adoption of the last reexamination report.*
- B. The extent to which the problems or objectives have been reduced or have increased subsequent to the date of adoption the last reexamination report.*
- 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 material and changes in State county and municipal policies and objectives.*
- D. The specific changes recommended for the Hillsborough Master Plan, 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," P.L. 1992, c.79 (C. 40A:12A-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.*

A. THE MAJOR PROBLEMS AND OBJECTIVES AT THE TIME OF THE LAST REEXAMINATION

The last complete Hillsborough Township Master Plan was adopted in 1965 with a comprehensive update in 1996 and it has been amended periodically through the present. The last Reexamination Report of the Master Plan and development regulations was completed and adopted by the Planning Board on December 12, 2002 and memorialized on January 6, 2003. The focus of the 2002 Reexamination Report was the 2002 Master Plan Amendment for the Agricultural and Mountain Districts and the development regulations then in effect. Because the Land Use Element of the Master Plan had undergone an update earlier in 2002, the Planning Board concluded that specific changes to the Township Master Plan and development regulations were required to implement the recommendations supporting the underlying objectives, policies and standards in the 2002 Master Plan Amendment.

There were several major problems and objectives expressed in the prior 1999 Master Plan Reexamination Report. Among the issues raised and the recommendations were to Amend the Land Use Element to incorporate the concept of a Town Center and Main Street along a portion of existing Route 206; revise the Utility Service Plan Element to coordinate with the Open Space Plan Element; revise the Circulation Plan to include pedestrian and bicycle routes; update the Conservation and Recreation Plan Elements to identify areas to be preserved and to control sprawl and to update the development regulations to create a Town Center and to incorporate a provision for noncontiguous planned unit development clustering.

While many of these issues were addressed by the adoption and implementation of the 2002 Master Plan Amendment for the Agricultural and Mountain Districts, a number of new problems and objectives were expressed in the 2002 Reexamination Report, as follows:

- A Phase 2 Master Plan was recommended to provide a comprehensive revision of the Township Master Plan and to supplement the 2002 Master Plan Amendment for the Agricultural and Mountain Districts. This process should include a land use summary and analysis establishing a GIS base map and linking it with digital tax data, preparation of a natural resource analysis, a review of current planning capacity and a utility services analysis, a community design analysis for Town Center and a community facilities analysis. Other studies addressing circulation and traffic, demographic and housing characteristics and a build-out analysis for the balance of the Township were also recommended.
- Preparation of a Circulation Plan Element was recommended to examine all modes of transportation in the Township with special emphasis on pedestrian and bicycle routes.
- Preparation of a Utility Service Plan Element was recommended to examine water supply and distribution facilities, drainage and flood control facilities,

sewerage and waste treatment, solid waste disposal and provision for other related utilities.

- Preparation of a Community Facilities Plan Element was recommended.
- Preparation of a Recreation Plan Element was recommended to show a comprehensive system of areas and public sites for recreation.
- An Economic Plan Element was recommended to consider all aspects of economic development and sustained economic vitality.
- The Historic Preservation Plan Element should be reviewed and updated, as appropriate.
- The recommendations contained in the 2002 Master Plan Amendment for the Agricultural and Mountain Districts should be implemented.

B. THE EXTENT TO WHICH PROBLEMS OR OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO 2002

The Master Plan Goals and Objectives and the Land Use Plan Element have been amended more than 10 times since the last complete Master Plan was adopted.

The Planning Board's general planning policy, as embodied in the 1999 Town Center and Main Street Plan, has been to locate growth in those areas of the Township where infrastructure exists or is planned and to preserve the environmentally sensitive areas and farmland. The Board has continued these planning policies through a comprehensive review of the Master Plan Amendments. This follows the 'smart growth' planning policies that have been identified in the State Development and Redevelopment Plan and encouraged by the NJ Office of Smart Growth.

The first steps in this process were taken in 2002 with the review and establishment of a comprehensive set of goals and objectives and the adoption of the Master Plan Amendment for the Agricultural and Mountain Districts, as previously indicated.

Implementation of the recommendations contained in the 2002 Master Plan Amendment for the Agricultural and Mountain Districts resulted in increasing the minimum lot size in the Mountain Conservation (MZ) District from 5 to 15 acres, while providing a lot size averaging option. In addition, the minimum lot size was also increased in the Agricultural (AG) District from 3 to 10 acres with options for lot size averaging and an open lands ratio subdivision which requires 65% of the lot to be preserved.

These districts encompass most of Hillsborough's undeveloped countryside, which the State Development and Redevelopment Plan (SDRP) characterize as rural and environmentally sensitive. The SDRP recommends an "environs" strategy designed to deter sprawl and protect natural resources-identified goals of the State plan. This policy approach responds to the objectives of protecting groundwater and surface water quality and better accomplishes the goals of rural conservation, environmental protection, agricultural retention and protection of the scenic attributes of Hillsborough Township.

The Planning Board made two additional recommendations for significant changes during the 2002 Master Plan Amendment process. In considering the proposed Amendment, several questions were raised regarding a small portion of the Mountain District that lies adjacent to the Millstone River which involves land under the jurisdiction of the State of New Jersey as part of the flood zone area. This area is also part of the Delaware & Raritan Canal extending from the intersection of Hillsborough Road to the Millstone municipal boundary. In order to reflect the proper use and location of this particular area, the Planning Board determined that it should be identified as a separate district in the Master Plan Amendment and implementing ordinance and not remain in the Mountain District. The Millstone Valley Historic (MVH) District was created to implement this recommendation. The other

recommended change involved a portion of the CDZ District located along the projected path of the Route 206 By-Pass. A new Agricultural District was recommended to include those properties that are in the South Planning Project PIG Area and have been largely preserved between Township Line Road and Hillsborough Road. However, it was recognized that such a zone change at this time was premature and could potentially affect the land values and owner's equity at the start of the TDR process.

The 2005 Master Plan Amendment-Phase 2 further refined the Town Center concept with entry Gateway Districts, as well as recommending new compact areas of development along Amwell Road and Route 206 to replace the Home Occupation/Office (HOO) District, recommending the re-use of the Belle Mead GSA Depot for research & development and open space with a major recreation facility, recommending creation of a transit-ready Transit-Oriented Village with a new commuter rail station and bus transit facility to serve the potentially reactivated West Trenton Line, recommending use of Transfer of Development Rights (TDR) as another method for preserving open space and farmland with redirecting growth to the core area around Town Center served by appropriate infrastructure, recommending a new Corporate Center District that is better sized and located to accommodate future employment, and recommending changes to the General Industrial (GI) District along Route 206.

Subsequent to the 2002 Reexamination Report, the Township undertook a number of planning initiatives that affect future land use, circulation, open space preservation and conservation, infrastructure and capital investments and housing. Some of the measures taken responded to significant State and County actions, including the following:

- The revised NJDOT alignment for the construction of the Route 206 By-Pass from Old Somerville Road, at the northern terminus, to Mountainview Road, at the southern terminus, has resulted in joint support from Montgomery Township and Hillsborough in order to enable NJDOT to move ahead with the final design plans and construction schedule. The new design incorporates value engineering techniques to offset the high projected costs that were associated with this project. An interchange with Amwell Road is planned with the roadway narrowing from 4 lanes to 2 lanes south of Amwell Road. An at-grade intersection with a traffic signal is planned for Hillsborough Road and the By-Pass is now designed to terminate at the southerly end opposite Mountainview Road.
- The proposal to potentially reactivate the West Trenton rail line for NJ Transit commuter rail service from West Trenton to connect with the Raritan Valley line in Bridgewater. A commuter rail station and possible bus transit facility in Hillsborough near Amwell Road and the Route 206 By-Pass interchange is being considered as part of the proposal.
- New "Growth Share" affordable housing requirements were formulated by the NJ Council on Affordable Housing (COAH) for Round 3 in 2006, however,

these requirements were challenged in the Courts and new regulations were adopted in September 2008 with further revisions and legal challenges anticipated. It is further noted that the Township entered into Settlement Agreements resolving outstanding “Builder’s Remedy” affordable housing (Mt. Laurel) lawsuits and the Court granted the Township a 6 year Judgment of Repose with protection from any further Mt. Laurel-related lawsuits and any new COAH requirements until October 2008.

- New Statewide Transfer of Development Rights (TDR) legislation was adopted in 2004.
- New regulations for Planning Incentive Grant (PIG) applications for farmland preservation were adopted by the State Agriculture Development Committee (SADC).
- The revised draft State Development and Redevelopment Plan was released by the State Planning Commission starting the Cross Acceptance III process.
- Revised guidelines for the Plan Endorsement Process were adopted by the State Planning Commission. Plan Endorsement is required for implementation of TDR and the Housing Plan Element and Fair Share Plan pursuant to the COAH Round 3 requirements.
- As part of an initiative from the New Jersey Department of Environmental Protection (NJDEP), Somerset County is undertaking a comprehensive review and update of the Wastewater Management Plan which will examine the Sewer Service Area boundaries and propose any necessary changes.

Since the 2002 Reexamination Report, several local actions have been taken that affect the Township:

- Duke Farms has prepared a Strategic Master Plan emphasizing educational, cultural and conservation activities on its’ property. The 2,700 acre Duke Farms property contains valuable habitat and is looking to partner with educational and conservation organizations to restore the various sections of the property to enhance the habitat and provide model practices for energy conservation, farming and habitat restoration.
- Responding to resident concerns over the future growth and identity of the Township, the Township Committee and the Planning Board took a number of steps to stimulate local economic development, including the creation of Town Center, the Gateway and Highway Service Districts; preserve additional open space and farmland, including participation in the TDR Study and partnering with Somerset County to acquire the remaining portion of the Belle Mead GSA Depot; and soliciting public input on a variety of planning issues on the future direction of the Township through several planning charrettes.

A number of other ordinances related to land use were adopted since the 2002 Reexamination Report including the following:

- Revised Sign Design Standards and Criteria.
- Tree Preservation.

- Restricting Development Near Pipelines.
- Outdoor Café Regulations.
- Critical Area Requirements.
- Stream Corridor Regulations.
- Open Space-Cultural Landscape (OS-CL) District.
- Town Center (TC) District.
- Gateway A (GA) and Gateway B (GB) Districts.
- Affordable Housing Growth Share Requirements.
- Highway Service (HS) District.

C. THE EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES

The changes in the problems affecting the Township and changes in Township objectives since the 2002 Reexamination Report are summarized below:

GOALS AND OBJECTIVES

The 2002 Reexamination Report contains the goals and objectives adopted by the Planning Board. New goals and objectives were adopted as part of the 2005 Master Plan Amendment-Phase 2 to serve as the basis for future planning efforts in Hillsborough. These new goals and objectives are contained in the Appendix to this report.

AFFORDABLE HOUSING

In 2002, the Township entered into Settlement Agreements to resolve the “Builder’s Remedy” lawsuits related to affordable housing (Mt. Laurel) issues and the Court subsequently granted a Judgment of Repose to the Township protecting against any further Mt. Laurel litigation and any new COAH requirements until October 2008. In order to satisfy the Judgment of Repose, the Planning Board adopted a new Housing Plan Element and Fair Share Plan in 2002 which was approved by the Court Master and the Judge presiding over the settlement agreement. The Board subsequently approved 2 amendments to the Development Regulations Ordinance for zone districts which permit new age-restricted developments containing a total of 883 dwelling units, of which 119 are designated as affordable. Both developments have proceeded through the approval process. In addition, a Regional Contribution Agreement (RCA) with Manville was approved by COAH for \$300,000 (12 affordable units).

In 2006, COAH enacted new “Growth Share” requirements for affordable housing in New Jersey to address the Round 3 period from 2004-2018. However, due to a subsequent Court challenge, COAH revised the Round 3 requirements accordingly and adopted new regulations in September 2008 with new revisions anticipated.

The Township continues to recognize the need to meet its affordable housing obligations through adoption of a revised municipal “Growth Share” ordinance and new Housing Plan Element and Fair Share Plan.

ECONOMIC DEVELOPMENT

Residential development in Hillsborough has continued at a steady pace into the first decade of the 21st century and, as a result of the increasing population, demands on municipal and school district facilities and services have also increased. Development of the Township economic base has continued at a much slower pace. Route 206 has developed over time as the retail and commercial spine of the Township; however, the State Department of Transportation (NJDOT) plans to construct a redesigned By-Pass around the existing core of the commercial area from Old Somerville Road south to Mountainview Road. The 2005 Master Plan Amendment-Phase 2 identified the area along existing Route 206 between Hamilton Road (east side) and New Amwell Road (west side) to the Royce Brook crossing at the southerly end and extending a short distance east and west along Amwell Road as Town Center to be surrounded by the

Gateway A and B Districts. In addition, new compact areas of development are envisioned along Route 206 in the Highway Service District which replaces the Home Occupation/Office (HOO) District and revisions are recommended to the General Industrial (GI) District along Route 206; a new Corporate Center District is proposed to consolidate and replace the existing Corporate Development District (CDZ); a new Research and Development District is proposed to be created at the Belle Mead GSA Depot with open space and a major recreation facility; and the creation of a transit-ready Transit Oriented Village adjacent to Town Center is proposed adjacent to the potentially reactivated West Trenton commuter rail line.

THE ROUTE 206 CORRIDOR

Construction of a divided four lane controlled access highway has been completed from Brown Avenue to the northern terminus in Hillsborough at the Raritan River Bridge and up to the Somerville Circle. The redesigned Route 206 By-Pass extends from Old Somerville Road to Mountainview Road with a grade separated interchange at Amwell Road and an at-grade intersection with Hillsborough Road. The section of the By-Pass from Old Somerville Road to Amwell Road will consist of a 4-lane cross section with a turning lane provided at Amwell Road. From generally south of Amwell Road to Mountainview Road there will be a 2 lane cross section with a planted median. Construction on the By-Pass is expected to commence by early 2009 according to NJDOT.

The existing segment of Route 206 from Hamilton Road to the Royce Brook crossing south of Amwell Road will function as the Main Street in the new Town Center. The 2005 Master Plan Amendment recommended improvements to existing Route 206 in order to function as a Main Street in terms of traffic calming, on-street parking, building and sidewalk orientation and a median. The Development Regulations Ordinance has been amended to provide for the Town Center and Gateway Districts in anticipation of the pending construction of the By-Pass. In addition, the HS, Highway Service District, has been established along portions of Route 206, including most of the old HOO District.

NEW JERSEY STATE DEVELOPMENT AND REDEVELOPMENT PLAN

In 2004, the State Planning Commission issued a draft revised State Development and Redevelopment Plan (SDRP) signaling the start of Cross Acceptance III among municipalities, Counties and State agencies. Similar to the current SDRP, the draft revised plan organizes the State into different planning areas for development and conservation and recommends that future development be concentrated into "centers" to prevent sprawl, conserve open space and natural resources and capitalize on available infrastructure. Under the draft revised SDRP a number of changes are proposed that will affect specific areas in Hillsborough. The most significant changes include the area surrounding the Claremont residential neighborhood along Millstone River Road which was originally proposed to change from a PA3 to a PA5, but will remain as part of the PA 3 based on the revised draft report. This includes the nearby Royce Brook Golf Club and the area bounded by Hamilton Road, Millstone Borough, Amwell Road and North Willow Road. The other major change is from a PA 2 to a PA 4B as proposed in the area

bound by Willow Road, Township Line Road, the freight rail line and Homestead Road. The Township has responded to both proposals during the Cross Acceptance III process. Township responses to these and related issues are provided in the Appendix.

OPEN SPACE CONSERVATION

The Township amended its Land Use Element in 1996 to include a Greenways Plan and has adopted an Open Space Plan Element showing locations that have been preserved to guide future preservation efforts. Open Space is valuable to the community for the passive and active recreation opportunities it provides and its vital role in sustaining beneficial wildlife and vegetation. Preserved farmland is also beneficial where designated in large contiguous areas which include the Planning Incentive Grant (PIG) Project Areas. The Township has established an Open Space Municipal Tax and Trust Fund to use towards the preservation of open space and farmland. In the last decade, the Township has preserved over 2,300 acres of farmland and another 2,000 acres of open space in addition to County and State preservation efforts in the Township. Additional land has been preserved as open space using noncontiguous clustering. In addition, the new AG and MZ District requirements provide for increased minimum lot sizes that are offset by an option for lot size averaging, as well as an option for open lands ratio subdivisions in the AG District.

As development within the Township continues to create development pressure on the remaining open space and farmland, the Township seeks additional methods for the preservation of these valuable resources. Transfer of Development Rights (TDR) is now permitted statewide and the Township has received grants from the Office of Smart Growth (OSG) and the State Agriculture Development Committee (SADC) in order to study the potential feasibility of enacting TDR. The Township is also in the process of preparing a Farmland Preservation Plan in order to continue to participate in the Planning Incentive Grant (PIG) program through the SADC for farmland preservation. There are currently 3 PIG Project Areas in Hillsborough. In addition, the Township has acquired properties to establish greenway trails to link open spaces and natural resources within the Township.

PUBLIC CONCERNS

To assess public concerns over the future of Hillsborough, the Township has conducted and/or participated in a number of planning workshops and design charrettes since 2002 in order to obtain public input for the design of Town Center, the northern Route 206 corridor, sustainability, TDR, the proposed Transit Village and West Trenton Line commuter rail station, as well as the 2005 Master Plan Amendment-Phase 2. Participants in these workshops included elected and appointed officials of the Township, county and State, businessmen, farmers and other citizens.

The Master Plan Subcommittee of the Planning Board, as established by the Planning Board, continues to review implementation strategies taken from the recommendations contained in the 2005 Master Plan Amendment-Phase 2, as well as other Smart Growth planning initiatives which are then referred to the entire Planning Board for adoption or referral to the Township Committee, subject to public hearings, as appropriate.

*CHANGES IN DENSITY AND DISTRIBUTION OF POPULATION AND LAND USES
AND HOUSING CONDITIONS*

The population and density of the Township has continued to increase. Most of the population and population has been concentrated west of Route 206 between the Lehigh Railroad and the Royce Brook and the area south of Amwell Road where sewer service is available. The Township intends to maintain a Smart Growth planning strategy of developing a higher density core area while preserving large contiguous tracts of farmland, as well as open space, in the surrounding areas to the north and west. To reinforce this strategy, the Township has entered into a TDR feasibility study to determine if proposed “sending” and “receiving” areas can be established to equitably transfer development rights from the designated sending areas (including the AG and MZ Districts) into the designated receiving areas, including proposed Town Center.

**Population Density
Hillsborough Township
1990-2010**

	1990	2000	2010
Population	28,808	36,516	41,887
Average Density (persons per square mile)	526.7	669.7	765.8

Source: U.S Census of the Population and NJTPA

The Township intends to promote a compact form of development consistent with the objectives in the SDRP. In order to accomplish this, adjustments have been made to the Township Master Plan, as last amended in 2005. The adjustments direct future growth into the core area served by adequate infrastructure, including the Town Center, Gateway and Highway Service Districts, as well as the proposed Transit Oriented Village, R & D District, new Corporate Center District and the revised General Industrial District.

It is noted that Somerset County has begun the process of amending the Wastewater Management Plan for the entire County. Municipal input has been requested and Hillsborough Township has designated a subcommittee, supplemented by staff and consultants, to address the issues raised in examining whether the sewer service area should be revised. This will further dictate the future growth patterns in the Township.

The number of housing units in Hillsborough Township has continued to increase and further growth is projected. The quality of the housing stock continues to be high and of relatively recent construction. Over 40% of the housing stock has been built since 1980. It is noted that the chart provided below shows the overall trend in the local housing supply. There have been 1,215 units of age-restricted housing built and/or approved since 2000.

**Housing Supply
Hillsborough Township
1990-2010**

	1990	2000	2010
Housing Units	10,420	12,854	15,758
Average Density (units per square mile)	190.5	235	288.1

Source: Somerset County Planning Board

The average household size for the Township has been steadily decreasing. In 1990, the average Township household size was 2.84 persons. By 2000, the average household size in the Township was 2.69 persons. Another significant drop in the household size has been projected to the year 2010 based upon trends and the age composition of the population. The 2010 average Township household size is projected to be 2.58 persons.

CHANGES IN CIRCULATION, CONSERVATION AND SUSTAINABILITY

Circulation-The Township policy to improve the major street system to create a convenient circulation system is changed somewhat to reflect the fiscal impact of large scale street improvements outside of available grants and the need to encourage alternate forms of transportation as a key component of sustainability. Major street improvements will continue to play a vital role in moving traffic. Such improvements may be provided in conjunction with other partners, such as developers or County and State agencies in the future. The circulation improvements that are planned will improve mobility within and through the community, including Town Center. These improvements include the redesigned Route 206 By-Pass and the proposed commuter rail station/bus transit facility located near the By-Pass interchange at Amwell Road. The reuse and redesign of the section of existing Route 206 that will become Main Street in Town Center needs to be addressed along with vehicular, pedestrian and bicycle connections between Town Center and the proposed Transit Oriented Village as well as the surrounding existing development. Other improvements are proposed to provide appropriate access to the VA Depot and to foster the preservation and use of the Duke Farms property as an educational and cultural facility, complete Route 206 improvements through the entire Township, connect Amsterdam Drive and Sunnymeade Road and to provide access to the former Belle Mead GSA Depot as a research and development site and major recreation and open space facility. The continued development of a greenway trail linking open space parcels in the Sourland Mountain region is also proposed. The Millstone Valley Scenic Byway Plan recommends landscaping and signage improvements in the designated project area along Millstone River Road from the Millstone border to the Montgomery border in order to enhance this corridor.

Conservation- Township policy to avoid development in environmentally critical areas and to encourage agricultural and open space preservation in the northern and western portions of the Township remains unchanged. However, the Township continues to pursue more effective measures to conserve farmland and open space. The State now permits Transfer of Development Rights (TDR) on a state-wide basis as a method to

preserve farmland and open space and to redirect growth. The Township is currently conducting a TDR feasibility study. The State Agriculture Development Committee (SADC) has also adopted new rules regulating Planning Incentive Grant (PIG) Project Areas which the Township is addressing in order to maintain funding for the 3 existing PIG areas.

Energy Conservation and Sustainability- There have been significant changes in the assumptions and policies related to energy conservation. Hillsborough has been involved in a sustainability project that is exploring alternative energy conservation methods, green building design and low impact development guidelines.

CHANGES IN STATE, COUNTY AND MUNICIPAL POLICIES AND OBJECTIVES

State- State initiatives that impact the Township include the on-going Cross Acceptance III process to amend the State Development and Redevelopment Plan (SDRP), as well as new requirements for Plan Endorsement and for PIG applications, as previously indicated. There have also been amendments to the Municipal Land Use Law. The State initiatives and their relation to the Township plan and regulations are reviewed below:

- Cross Acceptance of the Revised State Development and Redevelopment Plan- The SDRP, originally adopted in June 1992, establishes State planning policy. The SDRP consists of written policies and a map (the Resource Planning and Management Map or “RPPM”). The State Plan map organizes the State into distinct planning areas to direct development and conservation. Central to the SDRP is the concept of directing growth into compact “centers” where infrastructure and services can be provided in a cost-effective and efficient manner. In 2004, the State issued a revised draft SDRP for cross acceptance with Hillsborough and Somerset County as participants in the process. In July 2004, the Township submitted its Municipal Plan Comparison Questionnaire to Somerset County. These comments have since been supplemented by additional reports addressing Comparison Map Review Considerations, the Sourland Mountain Special Resource Area, Population and Economic Projections and by responding to proposed changes in State Planning Area designations within the Township.
- Municipal Land Use Law- Subsequent to the last municipal Reexamination Report, amendments to the Municipal Land Use Law (MLUL) have been adopted and have impacted the Hillsborough Master Plan and Development Regulations Ordinance. The following amendments to the MLUL were adopted:
 1. Expanded rules on hearings (NJSA 40:55D-10).
 2. Expanded notice requirements for hearings on development applications (NJSA 40:55D-12).
 3. Planning Board and Board of Adjustment members, with certain exceptions, must meet education requirements (NJSA 40:55D-23.3 and 23.4).
 4. The Planning Board is to devote at least 1 full meeting to review any long-range facility plans from the Board of Education prior to the adoption of the Capital Facilities Plan. (NJSA 40:55D-31).

5. Notice must be provided to all property owners within 200 feet of any zone district boundary where there is a hearing required to change the classification or boundary (NJSA 40:55D-62.1).
6. An expanded definition of a group home includes not more than 12 children (NJSA 40:55D-66).
7. The number of alternate Board of Adjustment members has been increased from 2 to 4 (NJSA 40:55D-69).
8. A state-wide TDR program was established (NJSA 40:55D-137 to 163).

Somerset County- Somerset County adopted its Master Plan in 1988. The plan was amended in 1994 to include a Circulation Element Update and Recreation and Open Space Plan.

Somerset County State Plan Cross Acceptance Report- The Somerset County Planning Board is participating in the Cross Acceptance III process as the lead agency for all participating towns in the County. The County issued a Cross Acceptance Report which incorporates recommendations from Hillsborough.

Surrounding Municipalities-There are no significant issues or conflicts between the Hillsborough Township Master Plan and the plans and regulations in the surrounding towns.

Hillsborough Township- It is noted that between 2002 and 2007, the Township has participated in the following planning studies and projects:

- Millstone Valley Scenic Byway Corridor Project
- Sourland Mountain Smart Growth Planning Project
- Somerset County Transit Village Design Study
- Orlando Drive Redevelopment Study (Raritan Borough)
- Raritan-Piedmont Wildlife Habitat Incentive Program

The Stony Brook-Millstone Watershed Association conducted a Municipal Assessment of the Township's environmental regulations and policies in 2004, resulting in a report containing recommendations entitled, "Taking the Next Step: Hillsborough Township Municipal Assessment." As a result, several ordinances were adopted regulating stream corridors and densities affected by critical areas.

The Township has conducted public visioning forums on the following topics since 2002:

- Town Center
- Northern Route 206 Corridor
- Sustainability
- Transit-Oriented Village Design (in conjunction with Somerset County).

Finally, public workshop presentations were also conducted by the Township on the following topics:

- Master Plan Amendment-Phase 2
- Transfer of Development Rights (TDR)

- Duke Farms-Open Space/Cultural Landscape Zone District (OS-CL)
- Town Center, Gateway and Highway Service Districts

D. RECOMMENDED CHANGES

MASTER PLAN

As a result of this Reexamination Report, the following specific changes are recommended to be incorporated into the Hillsborough Master Plan:

As previously mentioned in the 2005 Master Plan Amendment-Phase 2, the Planning Board adopted a new set of goals and objectives and land use amendments to the Master Plan including refinements to the Town Center. As previously indicated, the Township Committee has commenced implementation by adopting ordinances to create the Town Center, Gateway A and B and the Highway Service Districts. The Planning Board also recommends additional studies to further address new concerns and planning objectives that have been raised in following up on the 2005 Master Plan Amendment-Phase 2.

- Transfer of Development Rights (TDR)- The required planning documents needed to adopt a Transfer Ordinance as a basis for TDR include the following: Development Transfer Plan Element; Utility Service Plan Element; Capital Improvement Plan and a Real Estate Market Analysis. A Build-Out Analysis for the Township will be provided as part of the TDR study.

The Development Transfer Plan Element will estimate the population and economic growth for 10 years; identify prospective sending and receiving zones; analyze how the anticipated population growth can be accommodated in the receiving zone; analyze infrastructure in the receiving zone; provide the method for conveying the development potential from the sending zones and providing explicit planning objectives and design standards to govern review of development applications in the receiving zones.

The Utility Service Plan Element will analyze the need for and showing the future location of water supply and distribution facilities, drainage and flood control facilities, sewerage and wastewater treatment, solid waste disposal and provision for other related utilities, and including any stormwater management plan required pursuant to the provisions of P.L. 1981, c. 32 (C. 40:55D-93, et seq.). This element considers the background information on water and sewer from the current planning capacity and utility service analysis. Proposals for sanitary sewer should be coordinated and consistent with the adopted Wastewater Management Plan (WMP).

- The Land Use Plan Element is the central policy statement of the Master Plan that drives all other plan elements and, in combination with the Statement of Objectives, establishes the fundamental framework upon which other elements of the Master Plan are based. In conjunction with the 2005 Master Plan Amendment-Phase 2, several concerns have been raised which warrant an update to the land Use Plan Element as follows:

1. A request has been made to extend the proposed Transit Oriented Village on the east side of the rail line to include the Carriage Farm property. In addition, a small area between the proposed Route 206 By-Pass and the rail line south of the proposed Transit Oriented Village has been identified as a logical extension of the Transit Oriented Village.
 2. The proposed Corporate Center District, bounded by Hamilton Road, Millstone Borough, Amwell Road and North Willow Road, is located in a Planning Area 3 (PA 3) and is not in the sewer service area. It is therefore recommended that this area should be reexamined as a potential TDR sending area.
 3. The nearby Glen Gery quarry site was subsequently identified as being built-out of the quarrying operations. The bulk of this property is located in Planning Area 2 (PA2) and is in the sewer service area. Subject to a reclamation plan and an environmental analysis the quarry site appears to be readily developable, located within reasonable proximity to the Town Center and adjacent to the Promenade Shopping Center. The Land Use Plan Element should address the potential reuse of the quarry.
 4. The owner of the Roycefield Trade Park, located on Roycefield Road at the rear of the Veterans Industrial Park/DLA Depot property, has requested that the Township rezone this property (Block 142, Lot 23B) from the current ED, Economic Development designation to I-2, Light Industrial, in order to permit a more compatible mix of uses at a more reasonable intensity.
- The Circulation Plan Element has not been updated since 1986. A Circulation Plan Element will show the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about and through the municipality taking into account the functional highway classification system of the Federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail. Recommendations concerning bicycle paths, bicycle lanes and pedestrian paths should be included in this element. A number of proposed improvements are envisioned to facilitate access to Town Center and the proposed Transit Village, as well as to the VA Depot and the former Belle Mead GSA Depot which is intended as a research and development center and a major recreation and open space facility.
 - The Farmland Preservation Plan was last adopted in 2002 as part of the Master Plan Amendment-Agricultural and Mountain Districts. This update is required pursuant to new regulations adopted by the SADC in order to continue funding PIG Project Areas as part of farmland preservation efforts.
 - A new Housing Plan Element and Fair Share Plan must be prepared to comply with the Round 3 affordable housing requirements when they are revised and adopted pursuant to the recent litigation. It is noted that the Township has a Judgment of Repose which expires in October 2008 based on a settlement of previous Mt. Laurel litigation.

- As a result of the Sustainable Hillsborough Project, a Green Buildings and Environmental Sustainability Plan Element, which was recently included in the Municipal Land Use Law as a permitted master plan element, is recommended to be prepared with input from the Environmental Commission and the Sustainable Hillsborough Steering Committee.
- Plan Endorsement by the State Planning Commission is required for implementation of TDR and the Housing Plan Element and Fair Share Plan. Township officials have met with representatives of the Office of Smart Growth and other State agencies to start this process.
- A comprehensive update of the Historic Preservation Plan Element is recommended in light of several inconsistencies found in the 2001 Plan.
- A Community Facilities and Recreation Plan Element is recommended in order to assess existing Township facilities and provide guidance for future use and potential areas of expansion, as well as the need for new facilities where appropriate.

DEVELOPMENT REGULATIONS

The final task for the Planning Board will be to continue to implement the 2005 Master Plan-Phase 2 recommendations. This involves a general review and revisions to the Development Regulations Ordinance in order to incorporate appropriate Master Plan policies, revised procedures, definitions, statutory requirements and miscellaneous modifications. These will then be referred to the Township Committee for adoption. Also, it is recommended that planning and zoning policies related to additional age-restricted housing should be reviewed.

E. RECOMMENDATIONS ON REDEVELOPMENT PLANS

At this time, the Township has not adopted a redevelopment plan pursuant to the "Local Redevelopment and Housing Law" and, therefore, the Planning Board does not need to comment on its incorporation into the Land Use Plan Element.

It is noted that the Planning Board has determined that the Sunnymeade Landfill property (Block 182, Lot 7B) is an area in need of redevelopment pursuant to NJSA 40A:12A-1, et seq. This determination is necessary in order to proceed with the cleanup of this property in requesting necessary "Brownfield" funding.

The Planning Board has also determined that the Belle Mead GSA Depot (Block 175, Lots 39.01 and 39.03 and Block 177, Lots 23.01, 23.03 and 23.04) constitute an area in need of redevelopment pursuant to NJSA 40A:12A-1, et seq. This determination is necessary in order to request Brownfield cleanup funding.

APPENDIX



Township of Hillsborough

COUNTY OF SOMERSET
MUNICIPAL BUILDING
379 SOUTH BRANCH ROAD
HILLSBOROUGH, NEW JERSEY 08844

TELEPHONE
(908) 369-4313

www.hillsborough-nj.org

September 10, 2007

Ben Spinelli, Executive Director
Office of Smart Growth
Department of Community Affairs
101 South Broad Street
P.O. Box 204
Trenton, New Jersey 08625-0204

Re: Cross Acceptance III
Hillsborough Township

Dear Mr. Spinelli;

This is to follow-up on recent correspondence with your staff regarding the Cross Acceptance III proposal to change the Planning Area designation from 2 to 4B for the area roughly bounded by Homestead Road, Willow Road, Township Line Road and the rail line in Hillsborough Township. It is noted that this area is currently being considered as a sending area under Transfer of Development Rights (TDR) and also contains a Planning Incentive Grant (PIG) Project Area with a number of preserved farms.

I urge you to reconsider the proposed Planning Area 4B designation in this area as it is premature and may impact the TDR process and on-going farmland preservation efforts. In order to ensure the success of these preservation programs, it is important that sufficient land values be retained so landowners are able to transfer development credits and equity is preserved for those farmers who want to preserve their property under the PIG program. The proposed State Planning Area designation change creates a perception that equity is being affected. This, in turn, raises serious concerns and uncertainty for landowners who are considering whether to participate in the TDR or farmland preservation programs.

At the present time, 3 major property owners in the subject area have expressed their concerns about the proposed change. Together, they have the ability to bring substantial development in a relatively short time frame to the subject area where both the State and Township want to see preservation efforts succeed. Conceptual plans have already been submitted to the Planning Board which would establish development frameworks for 2 of these properties. It is important to the Township that all parties continue to work with the affected property owners to reach a positive outcome.

Therefore, I am requesting that the proposed State Planning Area designation change, as discussed above, be deferred at this time. It would be more appropriate for the State Planning Area designation to remain as currently exists until such time as the TDR credits are allocated from this area and the remaining farmers interested in preservation are able to enter into the appropriate farmland preservation program. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Ferrera', with a long horizontal flourish extending to the right.

Anthony Ferrera, Mayor

Cc: Robert Bzik, PP, AICP, Somerset County Planning Director

CROSS ACCEPTANCE III
MUNICIPAL MAP REVIEW NARRATIVE
HILLSBOROUGH TOWNSHIP
August 27, 2004

There are a number of changes proposed to Planning Policy Area Designations in the 2004 PSPPM as affecting Hillsborough Township, which are addressed as follows:

MAP 1 COMPARISON OF 2001 SPPM WITH 2004 PSPPM

- A large area of existing PA-3 Fringe in the eastern portion of the Township between Millstone and Manville is proposed to be divided into 3 categories, as follows:
 - (a) A relatively small area designated PA-1 Metropolitan in the 2004 PSPPM will encompass the Central Jersey Regional Airport. Since the State bought the development rights to the airport, it must continue to function in that capacity. To that end, plans have been discussed with the Township staff to make necessary safety and aesthetic improvements to the airport and will be submitted to the Hillsborough Planning Board for consideration.
 - (b) A more significant area designated PA-5 Environmentally Sensitive in the 2004 PSPPM is proposed between Millstone and the airport. This area includes a cemetery, several small businesses, a portion of the Royce Brook Golf Club and several older housing developments. There is a concern that future solutions to existing septic failures and flooding in the Claremont development may be impacted by the PA-5 designation. It is noted that this area is not currently in the sewer service area.
 - (c) The remaining designated PA-3 Fringe area is to remain according to the 2004 PSPPM. This area includes a portion of the Royce Brook Golf Club and a significant area to the west of Millstone centered along Amwell Road and Hamilton Road. This area is being reconsidered as to its future land use function in the new Master Plan that is being prepared and will be further addressed under plan endorsement.
- An area with the existing PA-2 Suburban designation is proposed to be changed to the PA-5 Environmentally Sensitive designation south of Amwell Road near East Mountain Road. This is open space land located at the transition from residential development into the Sourland Mountain Region.
- There are 2 areas containing the existing PA-2 Suburban designation that are proposed to be changed to PA-6 Local Park. The first parcel is an existing Township open space tract along Beekman Lane backing up to the Auten Road School. The other parcel is also a Township open space tract located at the intersection of Valley Road and Auten Road. Both properties are in the Hillsborough Draft ROSI.

- There is a small area with an existing PA-2 Suburban designation that is proposed to be changed to PA-1 Metropolitan that includes the existing Courtland residential development off Dickerson Road. This development contains an affordable housing provision as a result of the settlement of prior litigation.
- There are several areas currently designated as PA-5 Environmentally Sensitive which are proposed to change to PA-6 Local Park in the Sourland Mountain area that reflect open space and park acquisition activity by the Township and County.
- There is a small area with the existing PA-5 Environmentally Sensitive designation that is proposed to be changed to the PA-42 Rural Environmentally Sensitive designation at the western boundary with East Amwell near the end of Pshorn Lane. There is no formal delineation of this area on the PSPPM and no data or documentation is provided to support this change.
- Several areas designated as PA-6 Local Park are proposed in the existing PA-5 Environmentally Sensitive area in the western part of the Township between Amwell Road and the South Branch of the Raritan River. These are all Township and County open space and park properties. The Township owned parcels are in the Hillsborough Draft ROSI. The open space parcel along the South Branch of the Raritan River along River Road should be extended to reflect the actual property boundary.
- There are additional PA-6 Local Park properties located along the South Branch of the Raritan River extending towards the Duke Estate near South Branch that should be reflected. Most of these are County-owned and some may be Township properties.
- The area currently designated as PA-2 Suburban along Mill Lane should be deleted and indicated as PA-4 Rural that presently surrounds this area. The Mill Lane area is the central focus of an approved Planning Incentive Grant (PIG) area that is being preserved by the Township in conjunction with the County.
- The area currently designated as PA-2 Suburban between Township Line Road and Hillsborough Road west of Willow Road should also be indicated as PA-4 Rural since this has been approved as the South PIG Project Area and is in the process of being preserved.
- Please have the consultant verify Note 10.1.1 in the Hillsborough Review Guidelines which was not able to be located.

MAP 2 ZONING AND LAND USE OVERLAY

- The proposed PA-5 Environmentally Sensitive designation between the airport and Millstone, as previously discussed in this report, contains portions of the O-5 and CDZ Zones which are intended to promote corporate development in Hillsborough. These zoning designations and the underlying uses will be addressed in the new Master Plan with any recommendations made part of plan endorsement.
- The R-A Zone contains the Country Classics subdivision in the southeastern part of the Township which will have over 800 dwellings when completed. This was upheld by the Appellate Court. It is a typical suburban residential development with many similar examples scattered throughout the region.
- The OS-CL, Open Space/Cultural Landscape Zone District was created for the core area of the Duke Estate earlier this year and should be indicated on the PSPPM.
- A copy of the revised 2004 Hillsborough Zoning Map is included for your information.
- The consultant should verify Note 10.2.1 in the Hillsborough Review Guidelines.

MAP 3 ZONING AND ENVIRONMENTAL OVERLAY

- There appears to be a large number of potential Critical Environmental Sites (CES) and Historic Sites (HCS) indicated in the PA-2 Suburban designation, which includes most of the existing and future residential, commercial and industrial zoned land in Hillsborough. This is important in attempting to concentrate future growth into this core area while preserving the outlying areas. It is difficult to ascertain what most of the potential critical sites involve. There are several brook/stream corridors in this area; however, It doesn't appear that this would account for all the critical site indicated. It looks more like this area has not been developed, which is certainly not the case. Clarification is needed.

MAPS 4-7 NJDEP ENVIRONMENTAL OVERLAYS

- All the information provided in the NJDEP Environmental Overlays must be reviewed by the appropriate Township boards and committees as part of the plan endorsement process.

MAP 8 PRIME AGRICULTURAL LANDS AND PRESERVED FARMLAND

- A list of all preserved farmland in Hillsborough along with a map delineating the boundaries of the 2 approved PIG areas in Hillsborough are enclosed with this report.
- The extent of the Somerset County Agricultural Priority Areas and the Prime Agricultural Areas in Hillsborough will be evaluated with respect to the State Policy Planning Areas during plan endorsement for consistency.

MAP 9 SEWERED AREAS

- The Hillsborough Municipal Utilities Authority will review the extent of all existing, as well as any proposed, sewer areas in Hillsborough so that consistency with the State Planning Policy Areas can be determined during plan endorsement.

MAP 10 PARKS AND OPEN SPACE

- The Hillsborough Recreation and Open Space Inventory (ROSI) is currently being updated. A comparison of all municipal recreation and open space properties with the State Planning Policy Area Map will be undertaken during plan endorsement after the ROSI is approved.

MAP 11 COAH SITES

- The Township recommended a Town Center that included the municipal complex in the 1999 Master Plan Amendment. A new Master Plan is currently being prepared to refine the Town Center area which will be addressed during plan endorsement.
- The proposed Gateway at Sunnymede (Block 140, Lot 1 and Block 141, Lots 2.01 and 7.01) and Westmeade (Block 140, Lots 2, 22B and 3A and Block 190, Lot 9) age-restricted developments will contain affordable housing components pursuant to a court settlement agreement.

OTHER ISSUES

- A resolution approved by the Hillsborough Township Committee is enclosed that supports the designation of the Sourland Mountain region as a Special Resource Area (SRA) in the State Plan.
- The Township will consider proposing an amendment to the SPPM that delineates the Duke Estate as a Historic Cultural Site (HCS) during plan endorsement subject to the support of the Duke Foundation for such a designation.

Pat Richard, LLC
548 East Main Street
Bound Brook, NJ 08805
Tel (732) 271-9658 Fax (732) 560-7313



September 30, 2008

COPY

Hillsborough Township
Mayor Anthony Ferrera
379 South Branch Road
Hillsborough, NJ 08844

Re: 330 Roycefield Road, Hillsborough, NJ
Lot 23B, Block 142
Request to Re-Zone Property from ED to I-2

Dear Mayor Ferrera:

I am co-partner of Pat Richard, LLC the owner and developer of the 21 acre Roycefield Trade Park Condominium at 330 Roycefield Road in Hillsborough.

I have followed your efforts as Mayor to make Hillsborough more business friendly and have been impressed by the progress that you have made. In particular, I noticed how you and the Township Committee quickly responded to the needs of the businesses and commercial property owners on Route 206 South between Park and Brown Avenues by re-zoning them back to the I-1 Light Industrial District from the Highway Services District.

The Roycefield Trade Park Condominium is in a similar situation as the above properties. I am appealing to you and the Township Committee for similar support.

My property is in the Economic Development Zone (ED). This creates an economic hardship for my partner and I. We would prefer to be in the I-2 Light Industrial District, which is the same district that the other commercial properties along Roycefield Road are in.

I have included some background information I believe would be helpful in explaining how this problem developed and why our proposed solution makes sense and is in the best interest of the Township.

The Township until recently has had four ED Zones. Two are Federal properties, GSA Belle Mead Depot and the Veterans Industrial Park/DLA. A third is further west of the northern Federal property and is along the Norfolk Southern railroad tracks on Valley Road, Auten Road and Beekman Lane. The fourth, was Bryce Thompson's property off of Route 206 South. It is close to the southern boundary of the Township and is near the GSA Belle Mead Depot. To help make it more economically viable, Bryce Thompson's property was recently re-zoned to the Highway Services District.

Because the zoning did not fit commercial needs, none of these four ED Zones has ever been developed.

COPY

Pat Richard, LLC's industrial park was originally part of the northern federal property which lies between Route 206 and Roycefield Road and that is why it is in the same zone.

I believe that in expectation that this large federal property would be put up for sale, it was zone zoned ED. This sale has not happened and the property is still under federal ownership and is currently being managed primarily for warehouse uses under a long term leasing arrangement.

The underlying premise for putting this federal property in the ED Zone was never fulfilled. This situation is analogous to the Commercial Development Zone (CDZ) on the East Side of Route 206 off Willow Road. Development never occurred here too because its underlying premise was that a connector interstate highway would be built in its vicinity but this too didn't happen. As a result, the Township's 2005 revised Master Plan now sees this as a Transfer of Development Rights (TDR) area and no longer one for commercial development.

The problem for Pat Richard, LLC is that most of the companies that have expressed interest in moving their business to 330 Roycefield Road are ones that would be suitable for light industrial zoning. While the ED Zone does permit light industrial as a conditional use, the minimum acreage requirement is 50 acres and our property is 21 acres.

Currently, we have constructed two buildings, one of which is occupied. Two others have either been started or construction is expected to begin in the next month or so.

We plan to build a total of 13 buildings. With the current 50 acre minimum lot sizes we are required to go to the Zoning Board of Adjustments to obtain a use variance for each and every building, buyer or tenant. This is a significant expense to us and is a drain on the ability of the Zoning Board to hear other applications.

In addition, we often find ourselves in a "catch 22" situation that the Zoning Board requires us to identify the intended buyer and prospective buyers are often reluctant to commit if they know that it will be necessary for them to first obtain a variance.

If Roycefield Trade Park Condominium were in the I-2 Zone with its 2 acre minimum, we would be able to pursue the light industrial applications that are best suited for this property. These applications would be consistent with other commercial properties in the immediate vicinity on Roycefield Road and there would be also be no need to file applications with the Zoning Board for each new buyer.

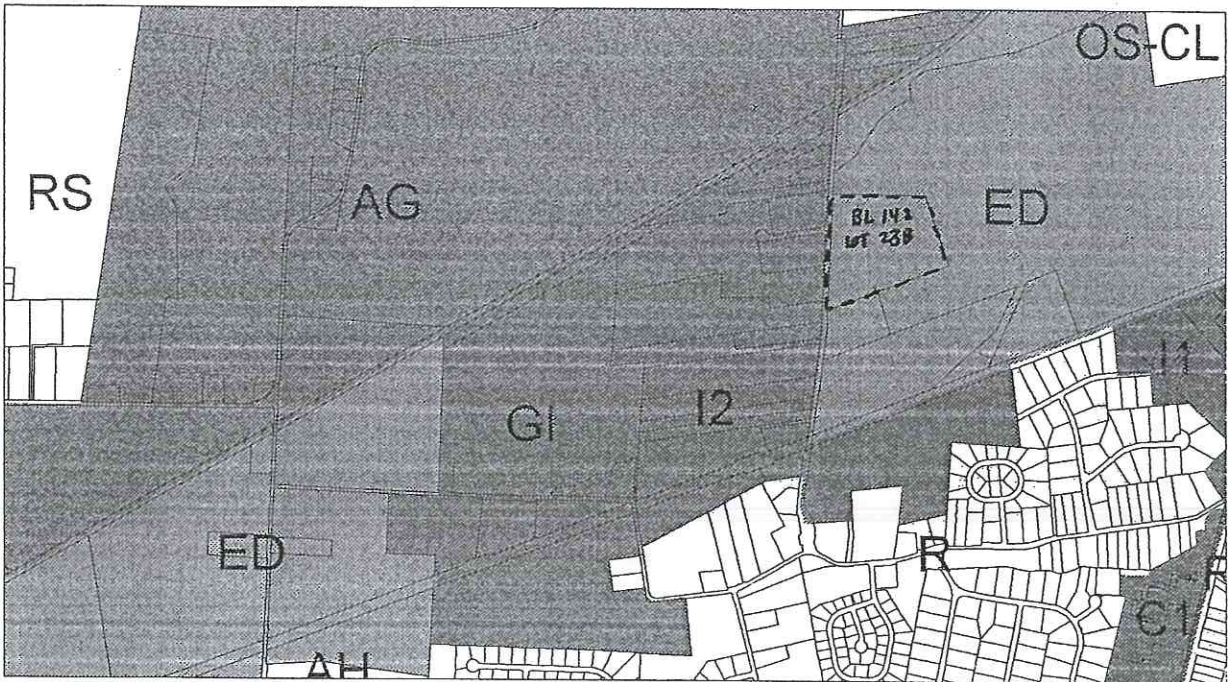
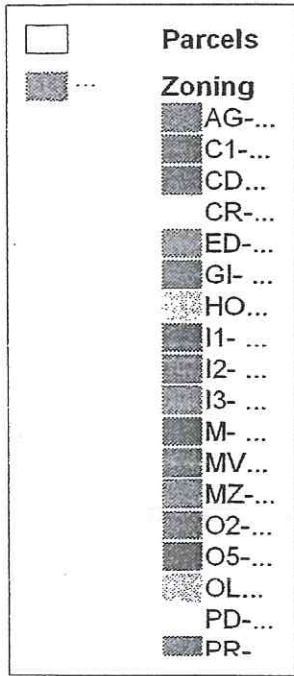
Preliminary discussions have been held with the Township Planner and I believe that he is supportive of our writing to you to seek the zoning change.

Finally, our industrial park has only limited visibility from Roycefield Road. It is not near any residential area and would fit in perfectly with our industrial neighbors.

Thank you for considering this request. The sooner that it can be acted upon and rezoning can occur, the sooner we will be able to bring desirable new businesses to Hillsborough Township, thereby increasing both commercial ratable and new jobs.

Sincerely,

Patrick McCann
Partner



SCALE 1 : 21,564

