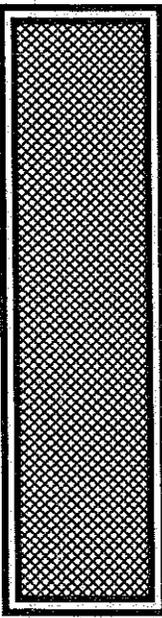


**BOROUGH
OF
PENNINGTON**

**MERCER COUNTY
NEW JERSEY**

**MASTER PLAN
AND
DEVELOPMENT REGULATIONS
PERIODIC
REEXAMINATION REPORT**

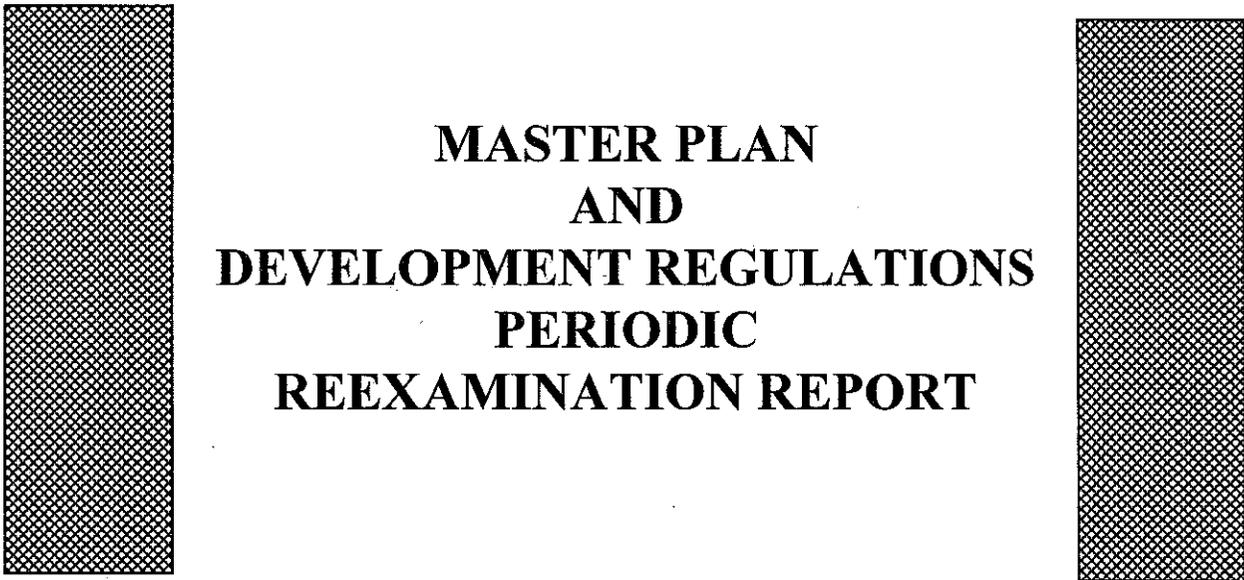
September 2013



**PREPARED BY COPPOLA & COPPOLA ASSOCIATES
PRINCETON JUNCTION ~ NEW JERSEY**

**BOROUGH
OF
PENNINGTON**

**MERCER COUNTY
NEW JERSEY**



**MASTER PLAN
AND
DEVELOPMENT REGULATIONS
PERIODIC
REEXAMINATION REPORT**

**THE ORIGINAL OF THIS REPORT WAS SIGNED AND SEALED
IN ACCORDANCE WITH N.J.S.A. 45:14A-12**

Cindy D. Coppola, P.P. # 4478

**PREPARED BY: COPPOLA & COPPOLA ASSOCIATES
PRINCETON JUNCTION ~ NEW JERSEY**

BOROUGH OF PENNINGTON
MASTER PLAN AND DEVELOPMENT REGULATIONS
PERIODIC REEXAMINATION REPORT

September 2013

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**BOROUGH OF PENNINGTON
MASTER PLAN**

**MASTER PLAN AND DEVELOPMENT REGULATIONS
PERIODIC REEXAMINATION REPORT**

September 2013

INTRODUCTION

The Borough of Pennington is situated in the northwestern portion of Mercer County and contains approximately 0.96 square miles, or 614 acres of land. The Borough of Pennington is completely surrounded by the Township of Hopewell.

The municipality is traversed from north to south by New Jersey State Highway Route 31 and County Route 640 (Main Street). Traveling south on State Highway Route 31 from the Borough leads to an interchange for Interstate 95/295 at the southern edge of Hopewell Township. From west to east, the Borough is traversed by County Route 624 (West and East Delaware Avenue) and by County Route 623 (West and East Franklin Avenue and King George Road). These roads provide access to a number of large office parks located in Hopewell Township as well as enabling traffic to pass through the Borough.

The Borough of Pennington Planning Board prepared a Master Plan in 1965 in conjunction with the Planning Boards of Hopewell Township and Hopewell Borough in consideration of regional growth concerns. In 1974, the Borough Master Plan was amended to include the "Northwest Quadrant Design Plan", a separate plan which focused on the northwestern portion of the Borough. In 1983 and in 1990, the Pennington Borough Planning Board reexamined and updated its Master Plan.

The current "1998 Master Plan" of the Borough of Pennington was adopted on December 9, 1998 and includes the following plan elements:

1. Land Use Plan;
2. Housing Plan;
3. Circulation and Sidewalk Plan;
4. Utility Service Plan;
5. Historic Preservation Plan;
6. Community Facilities, Recreation, and Conservation Plan;
7. Regional Planning Considerations; and
8. Borough Center Area Plan.

As noted in the "1998 Master Plan", a separate "Housing Plan Element" was adopted on October 17, 1995 to address the second round (1993-1999) municipal affordable housing obligation assigned to the Borough by the Council On Affordable Housing (COAH).

In 2005, the Borough Planning Board reexamined the "1998 Master Plan" and recommended a number of changes to the Master Plan and the enabling Development Regulations as discussed further below in this report. The 2005 "Master Plan And Development Regulations Periodic Reexamination Report" (2005 Reexamination Report) was adopted by the Planning Board on February 23, 2005.

The Borough Planning Board also adopted a separate "Housing Plan Element And Fair Share Plan" on December 10, 2008 to address the then current "Third Round Substantive Rules" promulgated by COAH and the resulting municipal affordable housing obligations through the end of 2018.

As noted in the "1998 Master Plan", a "Historic Preservation Plan Element" was adopted in 1987 by the Borough Planning Board, but the enabling ordinances were never adopted by the Borough Council. In 2010, a new "Historic Preservation Master Plan Element" was adopted by the Planning Board, and on May 2, 2011, the Borough Council adopted the ordinance provisions that govern the Pennington Crossroads Historic District.

MUNICIPAL LAND USE LAW REQUIREMENTS

In accordance with N.J.S.A. 40:55D-89 of the New Jersey State Municipal Land Use Law, every municipality in the State must reexamine its Master Plan and development regulations at least every ten (10) years. The reexamination report shall state the following:

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

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

THE EXISTING PATTERN OF DEVELOPMENT WITHIN THE BOROUGH OF PENNINGTON AND THE CURRENT ZONE PLAN

As noted in the 2005 Reexamination Report, the Borough of Pennington is characterized as a historic village. The village consists primarily of single-family residential development on relatively small lots surrounding a core commercial area located at the crossroads of Main Street (County Route 640) and Delaware Avenue (County Route 624). A few multiple family residential housing units and some scattered office and commercial uses also are found throughout the Borough, primarily along and near Main Street.

Located further to the west of the village commercial area and along West Delaware Avenue is The Pennington School, a private school for middle and high school grade students, with some boarding facilities. The Pennington School encompasses a significant amount of land on both sides of West Delaware Avenue.

Further to the north and west, a small segment of the Borough is separated from the village proper by a railroad line, which presently is used only for freight transportation. Within this area, typical highway commercial and office development are located along State Highway Route 31, and this pattern of development continues along the highway within adjacent Hopewell Township. A residential area and an assisted living complex are located along West Franklin Avenue near State Highway Route 31, and Pennington Pointe, an age-restricted residential development, is located at the north end of the Borough east of State Highway Route 31. Additionally, the United States Post Office, the Pennington Fire Company, and the First Aid Squad are located on Broemel Place in this portion of the Borough.

There is very little vacant or underutilized land in the Borough of Pennington. Only two (2) sizeable tracts remain underdeveloped, and they are located west of the railroad line. Both tracts are designated as "inclusionary" mixed-use development sites, which are to provide some affordable housing units in order to help satisfy some of the Borough's mandated "fair share" housing obligation. These sites are known as the Capital Health Care Systems site and the Borough owned former landfill site, which had been the site of the Borough Public Works Department prior to its move north of the Borough.

No significant development has occurred in the Borough since the adoption of the 2005 Reexamination Report except for a commercial development known as the "Shoppes at Pennington" along State Highway Route 31 in the "O-B" Office Building zoning district. Additionally, The Pennington School has added athletic fields and a Campus Center building as well as making other improvements to its facility.

All other recent development within the Borough primarily has been additions to existing residences, the demolition and replacement of residential dwelling units, and some in-fill single-family residential development. As evidenced by the Borough's current February 2007 "Zoning Map", which appears on the following page of this report for informational purposes, the zoning district designations within the Borough generally reflect the existing patterns of development.

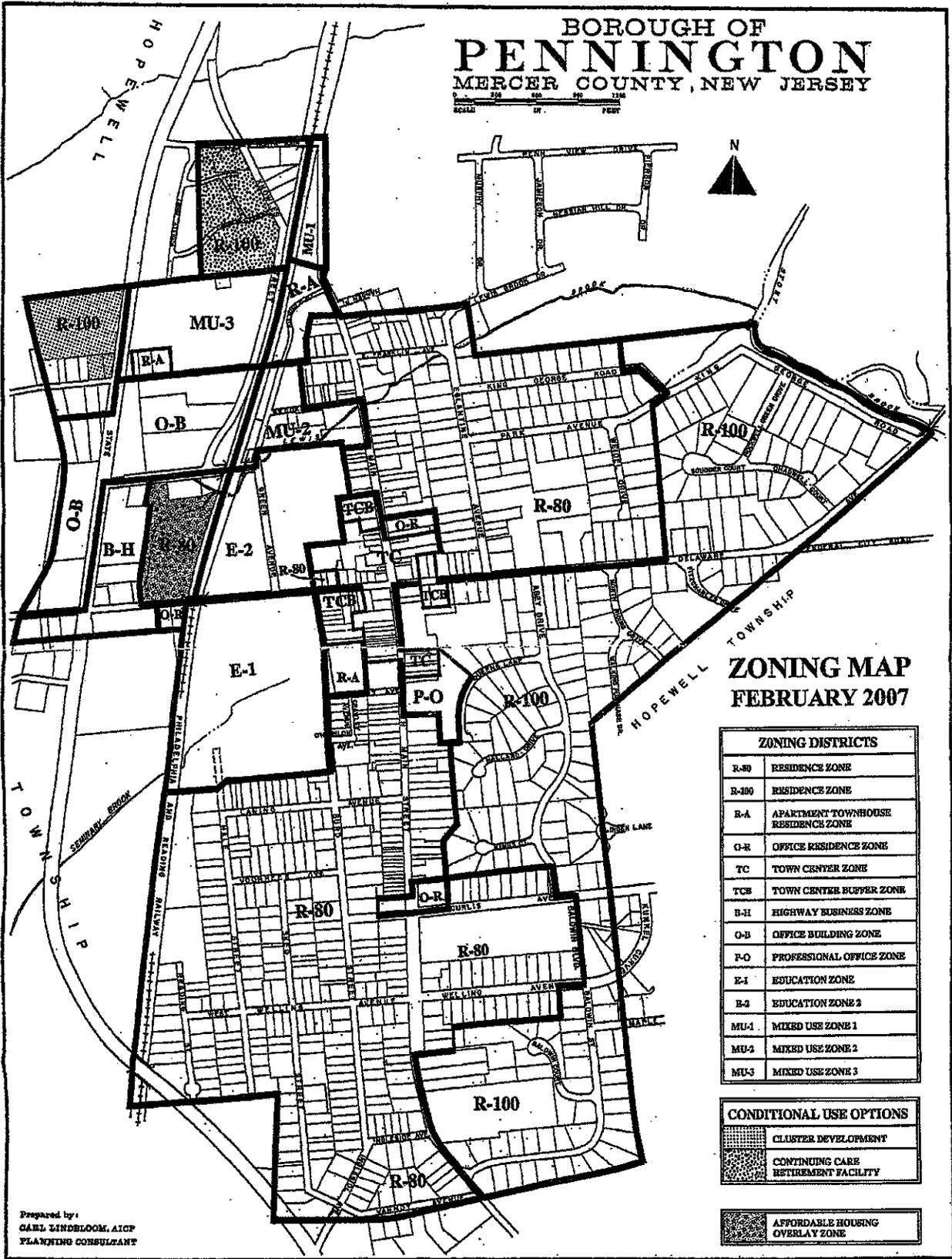
MAJOR PROBLEMS AND OBJECTIVES

The 2005 Reexamination Report found that five (5) of the six (6) specific goals and objectives relating to the municipality's land development and land use policies which had been included in the "1998 Master Plan" remained valid. These goals and objectives, coupled with the general purposes of zoning listed at N.J.S.A. 40:55D-2 of the Municipal Land Use Law, guide the planning process in the Borough and read as follows:

- "1. The Borough should remain primarily a residential community.
 - Existing residential use areas should be maintained.
 - New residential development should be consistent in scale and character to existing development.
 - Open space and recreational areas, both public and private, should be preserved and enhanced (e.g. green linkages to nearby preserved areas, environmental protection, stream corridor protection, etc.).
2. The community serving role of the Borough center area should be preserved and enhanced.
 - Maintain a mixture of residential, public, semi-public and business uses.
 - Work toward the establishment of a multi-use social and recreational community facility for use by all age groups.
 - The broad concepts of the Borough Center Area Plan Element should be further considered and developed through a joint effort of the Planning and Zoning Boards, the Economic Development Commission and other community interest groups.

BOROUGH OF PENNINGTON MERCER COUNTY, NEW JERSEY

SCALE
0 200 400 600 800
FEET



ZONING MAP FEBRUARY 2007

| ZONING DISTRICTS | |
|------------------|------------------------------------|
| R-80 | RESIDENCE ZONE |
| R-100 | RESIDENCE ZONE |
| R-A | APARTMENT/TOWNHOUSE RESIDENCE ZONE |
| O-R | OFFICE RESIDENCE ZONE |
| TC | TOWN CENTER ZONE |
| TCB | TOWN CENTER BUFFER ZONE |
| B-H | HIGHWAY BUSINESS ZONE |
| O-B | OFFICE BUILDING ZONE |
| P-O | PROFESSIONAL OFFICE ZONE |
| E-1 | EDUCATION ZONE |
| E-2 | EDUCATION ZONE 2 |
| MU-1 | MIXED USE ZONE 1 |
| MU-2 | MIXED USE ZONE 2 |
| MU-3 | MIXED USE ZONE 3 |

| CONDITIONAL USE OPTIONS | |
|-------------------------|-------------------------------------|
| | CLUSTER DEVELOPMENT |
| | CONTINUING CARE RETIREMENT FACILITY |

| | |
|--|---------------------------------|
| | AFFORDABLE HOUSING OVERLAY ZONE |
|--|---------------------------------|

Prepared by:
GAIL LINDELOM, AICP
PLANNING CONSULTANT

Prepared By: Coppola & Coppola Associates
Princeton Junction - New Jersey

3. The visual quality and historic character of the Borough should be protected and enhanced.
 - Adopt historic district standards and boundaries.
 - Incorporate non-residential building design guidelines into an updated site plan ordinance for the entire Borough.
 - Establish a new shade tree nursery and locate all utility wires underground.
 - Reduce through traffic and enhance pedestrian safety and access.
4. The existing distinction between highway business uses and town center housing and business uses should be maintained.
 - The Route 31 business area should continue to meet the needs of regional and highway oriented business uses.
 - The Borough center establishments should continue as a mix of residential uses and "village" type businesses.
 - Pedestrian linkages between the two business areas should be improved.
5. The Borough should work toward a more proactive effort on regional issues such as traffic and circulation, open space preservation, community facilities, stream corridor protection, and water quality improvement."

Additional land use planning problems which impacted the achievement of the Borough's goals and objectives also were identified and discussed in the 2005 Reexamination Report as follows:

1. The Designation Of A "Village Center": This designation no longer was found necessary due to the State Office of Smart Growth's plan endorsement process; however, the Preliminary State Plan proposed a change in the "Planning Area" designation for the Borough from "Planning Area 3" to "Planning Area 2" to which the Borough expressed its objections and concerns during cross acceptance negotiations among the Borough, County and State.
2. The Prevailing Residential Character Of The Borough: The 2005 Reexamination Report noted that the Borough's existing residential character could be threatened by the desire for homes that are larger than those historically built in the Borough, and it was suggested that the requirements for the residential zoning districts should be reexamined.

3. The State Highway Route 31 Corridor: A "Route 31 Design Study", dated December 2002, detailed design guidelines for the corridor and for cartway improvements along State Highway Route 31, some of which were incorporated into the "O-B" zoning district. The 2005 Reexamination Report recommended that the Borough continue to work with the State Department of Transportation on executing the recommendations in this study and also recommended a refinement of the zoning provisions for the "MU-3" zoning district along State Highway Route 31 to address the goals of the Master Plan.
4. Traffic And Pedestrian Circulation: Although circulation improvements had been made, traffic and pedestrian circulation continued to be a major concern, particularly along State Highway Route 31 with its truck traffic.
5. The "Town Center": A "Streetscape Report" prepared by the Streetscape Committee of the Borough set forth recommendations for hardscape and other improvements within the Town Center area and the report was incorporated into the Master Plan by reference.
6. Other Master Plan Recommendations: A general updating of the development regulations was recommended, including non-residential and historical building design guidelines, as discussed in the "1998 Master Plan", as well as the adoption of zoning provisions for a mixed use inclusionary development on the former landfill site owned by the Borough.

THE EXTENT TO WHICH THE PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED

There has been relatively little development in the Borough of Pennington since the 2005 Reexamination Report. Therefore, the five (5) goals and objectives stated in the "1998 Master Plan" continue to remain valid for the Borough of Pennington, and the Borough has continued to strive to meet these ongoing goals and objectives.

Most importantly and as previously noted, the Borough Planning Board adopted a "Historic Preservation Master Plan Element" in 2010, with the enabling ordinances governing the Pennington Crossroads Historic District adopted by the Borough Council on May 2, 2011. The establishment of the Pennington Crossroads Historic District helps to address the specific goal of protecting and enhancing the visual quality and historic character of the Borough (Goal #3).

With regards to the land use planning problems identified in the 2005 Reexamination Report, one of the problems has been eliminated. Specifically regarding the State Plan, the change in the Planning Area designation for the Borough has not occurred. Moreover, a new plan entitled the State Strategic Plan (SSP) has been drafted to revise and update the 2001 State Development And Redevelopment Plan and "sets forth a vision for the future of our State along with strategies to achieve that vision." To date, the final draft of the SSP has not been adopted by the State Planning Commission.

Some identified problems have been reduced. With regards to the residential character of the Borough, the Borough in 2011 adopted zoning provisions, as recommended in the 2005 Reexamination Report, to control the size of dwellings permitted in the "R-80" and "R-100" residential zoning districts by capping the allowable square footage for dwellings in each zone. Other ordinance provisions were adopted to effectuate the 2005 Reexamination Report's recommendations for the Town Center area and for many of the "1998 Master Plan" recommendations discussed in the 2005 Reexamination Report.

Zoning provisions for a new "Affordable Housing Overlay Zone" also were adopted to address recommendations in the 2005 Reexamination Report and the requirements of the New Jersey Council On Affordable Housing (COAH) relative to the development of a mixed use inclusionary development on the Borough owned land that was the site of the former landfill. However, the recommendations to modify the zoning provisions governing the "MU-3" Mixed Use zoning district which provide for another mixed use inclusionary development have not been effectuated, in part due to the uncertainty of the needs of a prospective developer.

Pedestrian circulation has been addressed since 2005 with the construction of new sidewalks on lower King George Road and on the east side of Sked Street south of Sked Street Park. In addition, pedestrian activated flashing signals have been installed at two crosswalks to improve pedestrian safety primarily for school children crossing South Main Street at Curlis Avenue and crossing West Delaware Avenue at Green Street. Pennington residents on foot or on bicycle will also soon benefit by having access to the Lawrence-Hopewell Trail via the Pennington Connection starting at the Stony Brook bridge on Pennington-Rocky Hill Road.

The need to provide for better traffic and pedestrian circulation in the State Highway Route 31 corridor still exists. Although the development of the Shoppes at Pennington along State Highway Route 31 incorporated design recommendations found in the "Route 31 Design Study", traffic continues to build on State Highway Route 31 which creates pedestrian difficulties for crossing the highway and vehicular access problems for traffic crossing or entering the highway

The "1998 Master Plan" and the 2005 Reexamination Report discussed a number of improvements for vehicular and pedestrian circulation, many of which are reflected on the "Circulation And Sidewalk Plan" map within the "1998 Master Plan". The "Streetscape Report", which was included in the Master Plan by reference, focused on specific road and sidewalk improvements within the Town Center area and radiating from the Main Street and Delaware Avenue intersection.

Although not following the expansive scope of the "Streetscape Report", the Borough this year had less costly but significant improvements made to enhance the pedestrian environment in the downtown area. New sidewalks with brick pavers, decorative streetlights and signage, benches, tree guards, bollards, and additional trees were included in the improvements. However, many of the recommendations made in the Master Plan documents remain valid, and these three (3) documents should be consulted for the specific recommendations.

SIGNIFICANT CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES

In the 2005 Reexamination Report, three (3) significant changes in the assumptions, policies and objectives forming the basis for the recommendations of the "1998 Master Plan" and implementing development regulations were identified, as follows:

1. Satisfaction Of The Borough's 1993-1999 Affordable Housing Obligation And COAH's New Rules;
2. New Jersey State Stormwater Management Rules; and
3. The Provision Of Public Sewerage And Public Water Services To All Lands Within The Borough.

While these three (3) changes, as modified over the last number of years since the 2005 Reexamination Report, continue to affect the Borough as discussed below, there have been no new significant changes in the assumptions, policies and objectives of Pennington Borough's Master Plan and Zoning Ordinance since the 2005 Reexamination Report, except for the availability of the former landfill site for redevelopment due to the relocation of the Public Works Department to another site.

In anticipation of any redevelopment, the Borough obtained a grant from the Delaware Valley Regional Planning Commission to study the redevelopment potential of this site plus two (2) adjacent Borough owned properties. The study, entitled "Route 31 Redevelopment Study", was prepared by Maser Consulting, is dated June 2013 and is discussed further herein below.

Satisfaction Of The Borough's Affordable Housing Obligation

As discussed in the 2005 Reexamination Report, the New Jersey Council On Affordable Housing (COAH) granted second round "Substantive Certification" to the Borough of Pennington on June 6, 2002. COAH had calculated that the Borough's 1987-1999 "fair share" housing obligation included a "Rehabilitation Component" of nine (9) units and a "New Construction Component" of fifty-two (52) units. However, due to the limited availability of land for development in the Borough, COAH reduced the Borough's "New Construction Component" from fifty-two (52) affordable units to twenty (20) units, leaving an "unmet need" of thirty-two (32) affordable housing units.

The twenty (20) unit "New Construction Component" was to be met by the following:

- Six (6) age-restricted affordable units within the "Pennington Point" development, which have been constructed;
- The zoning for six (6) "Accessory Apartments" as permitted uses within all of the residential zoning districts within the Borough; and
- The inclusion of eight (8) non age-restricted affordable housing units as part of the future development on the Capital Health Care Systems site.

COAH also required that a portion of the Borough's "unmet need" of thirty-two (32) new affordable dwelling units was to be addressed as part of an inclusionary, mixed use development on the former landfill site owned by the Borough, if and when the Borough abandons the use of the site.

To address this requirement, the Borough adopted an "Affordable Housing Overlay Zone" for a mixed use development that includes a minimum of twelve (12) affordable housing units and a maximum of sixty (60) total units. As noted above, the Public Works Department has been moved to another site, and the site now is available for redevelopment.

On December 20, 2004, new "Third Round Substantive Rules" governing the provision of affordable housing went into effect on December 20, 2004. The new rules include three (3) components of a municipality's future "fair share" affordable housing obligations which affected the Borough's housing obligation, as follows:

Rehabilitation Share

The new "Rehabilitation Share" was calculated from the 2000 U.S. Census data, and the number assigned to a municipality replaced the prior calculation which was based on the 1990 U.S. Census data. In the case of Pennington Borough, the new "Rehabilitation Share" is zero (0) units.

Remaining Prior Round Obligation

Five (5) of the six (6) "Accessory Apartment" units, the eight (8) non age-restricted affordable housing units as part of the future development on the Capital Health Care Systems site, and the twelve (12) affordable units as part of the future development of the former landfill site owned by the Borough have not yet been provided.

Growth Share

The "Growth Share" approach linked the number of new affordable units obligated to a municipality with the actual residential and non-residential development that occurred in the municipality. The Borough's "Housing Plan Element And Fair Share Plan", dated November 25, 2008, which was submitted to COAH with a petition requesting "third round substantive certification" calculated a presumptive "growth share" of 35 affordable units but also sought an adjustment to the household and employment growth projections upon which the "growth share" was calculated.

The Courts have invalidated the "growth share" methodology, and COAH has yet to develop and adopt another means of calculating this portion of the third round affordable housing obligation for the municipalities in the State. Eventually, when new rules are promulgated and adopted, the Borough Planning Board will be required to update the Borough's 2008 "Housing Plan Element And Fair Share Plan".

In the meantime, the Borough has continued to proceed towards meeting its prior round affordable housing obligation. One (1) new affordable accessory apartment has been completed to date. While there has been interest expressed in developing the Capital Health Care Systems site, no application has yet to be filed, in part due to limited public sewer capacity, which is discussed below, and the difficulty in interpreting the adopted ordinance provisions governing the development of the Capital Health Care Systems site.

With regards to the adopted "Affordable Housing Overlay Zone" for a mixed use development that is to include a minimum of twelve (12) affordable housing units on the former landfill site, the 2013 "Route 31 Redevelopment Study" recommends the removal of this overlay zone. The impact of this recommendation on the assumptions, policies and objectives of Pennington Borough's Master Plan and Zoning Ordinance is discussed below in greater detail.

New Jersey State Stormwater Management Rules

On January 5, 2004, the New Jersey State Department of Environmental Protection (NJDEP) adopted two (2) sets of stormwater rules to help reduce pollution levels caused by stormwater runoff and to help replenish groundwater supplies. One set of rules concerns stormwater management (N.J.A.C. 7:8), and the second set of rules concerns permitting (N.J.A.C. 7:14A).

As required by the NJDEP and the stormwater rules, the Borough of Pennington adopted a "Municipal Stormwater Management Plan And 2005 Stormwater Management Annual Report" (Stormwater Management Plan), dated April/May 2005, with the required enabling ordinances.

The Municipal Land Use Law at N.J.S.A. 40:55D-93 not only requires that each municipality prepare and adopt a stormwater management plan and enabling ordinances, but also requires that the municipality must reexamine their plan at each subsequent scheduled reexamination of the master plan. This is the first time that the master plan is being reexamined since the adoption of the municipal stormwater management plan.

The annual report to be supplied to NJDEP for the Borough's "General Permit" for a "Phase II New Jersey Pollutant Discharge Elimination System" (NJPDES) also questions whether such reexamination has been done.

The Stormwater Management Plan was reviewed by the Borough Engineer, and the conclusion of the review was that "there are no required changes to the Pennington Borough Stormwater Management Plan." The Borough Engineer's review is found in Appendix I of this report.

Providing Adequate Public Sewer And Water Service

Providing adequate public sewer and water service, as discussed in the 2005 Reexamination Report, continues to be an issue. While water is not an issue except during severe drought, any large scale, high-demand water uses could put a strain on the existing Borough water supply and require a new well to be drilled.

With regards to public sewer, an amendment to the Borough's Wastewater Management Plan was completed to allow for the expansion to the Stony Brook Regional Sewerage Authority's (SBRSA) Pennington Wastewater Treatment Plant. In 2007, Mercer County prepared a county-wide Wastewater Management Plan which was submitted to NJDEP and is awaiting approval. The County Plan stated that Pennington Borough's Plan is current.

While the plant expansion is designed, the expected date of its expansion to accommodate additional treatment and disposal at the SBRSA is unknown.

Route 31 Redevelopment Study

The "Route 31 Redevelopment Study" (Study) focused on the potential redevelopment of three (3) contiguous Borough owned lots, Lots 4, 5 and 12 in Block 206, the largest of which is Lot 5, the prior landfill site. The Study considered development options based upon a number of factors, including but not limited to environmental constraints, economic potential and traffic impacts.

Two (2) similar development scenarios were offered, with the difference between the two scenarios being the possible development pattern along Broemel Place and the alignment of a recommended new connector road through the block, connecting Delaware Avenue and Broemel Place. The Study is hereby adopted by reference as part of the Borough Master Plan.

A number of traffic and pedestrian improvements within the Borough were recommended in the Study for State Highway Route 31, Delaware Avenue and Broemel Place. These include signalizing the intersection of Route 31 and Broemel Place; upgrading the signal equipment at Route 31 and Delaware Avenue; converting existing site access points along Route 31 between Delaware Avenue and Broemel Place to "right-in/right-out" driveways; coordinating with the New Jersey Department of Transportation about significant improvements to Route 31 and Delaware Avenue; and making all intersection and improvements compliant with the Americans With Disability Act and the Manual On Uniform Traffic Control Devices.

As discussed in the Study, environmental factors preclude the former landfill site (Lot 5) from being developed as originally envisioned in 2002 when COAH required the overlay zoning on the subject property as a means of addressing a portion of the Borough's "unmet need" of thirty-two (32) new affordable dwelling units. The Lewis Brook which traverses the subject property now requires a riparian buffer between fifty feet (50') to one hundred fifty feet (150') wide on each side of the brook. That coupled with the actual landfill eliminates much of the development potential of the subject property.

The Study concluded with the recommendation to rezone the three (3) lots in Block 206 that currently are zoned "R-80" Residence zoning district to "B-H" Highway Business zoning district to be consistent with the zoning for all properties within that block. Additionally, it was recommended that the existing "Affordable Housing Overlay Zone" be removed and replaced with a new overlay zone that would incorporate all but the three (3) developed lots (Lots 1, 2 and 13) within the same block.

"This overlay zone could be mandatory and would ensure that new development creates a consistent frontage along Broemel Place. Furthermore, it would allow for the center of Lot 5 to be developed with a variety of potential uses, including office space, studios, etc. that do not require high visibility like retail uses. The overlay zone would also allow for the landfill to be converted to recreational space. Finally, the firehouse and ambulance buildings would be allowed to remain as is, but the shared parking provisions would allow for flexibility when the firehouse holds events and needs additional parking." (Page 61)

However, not all specific recommendations in the Study are recommended for implementation at this time. This is particularly so for the recommended ordinance provisions relating to land uses and to development and design standards found within the Study.

Although the overall recommendation to rezone the properties as discussed above is embraced, the specific recommendations in the Study are subject to modification at the time the enabling ordinance is drafted and adopted. Moreover, the removal of the "Affordable Housing Overlay Zone" would necessitate the inclusion of the twelve (12) unit affordable housing obligation assigned to the site of the prior landfill to be incorporated into any new overlay zone requirements and/or to be assigned to a new site where an emerging opportunity is found to provide affordable housing elsewhere in the Borough, subject to any new rules adopted by COAH in the future.

RECOMMENDED CHANGES TO THE MASTER PLAN AND DEVELOPMENT REGULATIONS

It is recommended that Lots 5, 6 and 7 in Block 206 be zoned from the "R-80" Residence zoning district to the "B-H" Highway Business zoning district. Because Lots 6 and 7 are occupied by the Pennington Fire Company and the First Aid Squad, the "B-H" zoning provisions should be revised to allow for municipal services, including volunteer emergency services.

The current "Affordable Housing Overlay Zone" should be replaced with a new overlay zone which should include all but three (3) lots (Lots 1, 2 and 13) within Block 206. This new overlay zone should govern any new development of the lands within the overlay zone. The permitted land uses in the new overlay zone should include those set forth in the "Route 31 Redevelopment Study", with a possible clarification of the exact types of retail businesses to be permitted in consideration of the current "B-H" zoning. Most importantly, residential flats above certain types of non-residential uses should be permitted, some of which could be restricted as qualified affordable units. Zoning provisions for the new overlay zone should benefit from the draft provisions included in the Study, but with appropriate modifications as necessary.

RECOMMENDATIONS REGARDING THE INCORPORATION OF REDEVELOPMENT PLANS

Since the Borough of Pennington has not adopted any redevelopment plans pursuant to the "Local Redevelopment And Housing Law", PL. 1992, c.79 (c.40A:12A-1 et al.), and since there are no current plans to do so, no changes are recommended to the "Land Use Plan Element" of the Borough Master Plan or to the local land use development regulations to effectuate any redevelopment plans.

APPENDIX I

RE-EXAMINATION OF MUNICIPAL
STORMWATER MANAGEMENT PLAN



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Borough of Pennington

Re-examination of Municipal Stormwater Management Plan

September 25, 2013
Our File Nos.: PEN3533 and PEN3759

The Municipal Stormwater Management Plan originally prepared and adopted in May of 2005, was re-examined and re-evaluated to determine if there have been any changes since initial adoption that would require modification or updating.

The Stormwater Management Plan addresses groundwater recharge, stormwater quantity and stormwater quality impacts by incorporating stormwater design and performance standards for new major development. Major development is defined as projects that disturb one or more acres of land.

Since adoption of the original Stormwater Management Plan there have been no changes to water quality in the Borough's two major watershed management areas of the Central Delaware and the Millstone; and the two sub-watersheds of the Stony Brook and Jacobs Creek. There are no impaired water bodies and there are no required TMDL limits related to distressed water bodies.

There are no required changes to the Pennington Borough Stormwater Management Plan.

A handwritten signature in cursive script that reads "Carmela Roberts".

Carmela Roberts, P.E.
Borough Engineer