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

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PRINCETON JUNCTION ~ NEW JERSEY

BOROUGH OF PENNINGTON

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February 2005

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BOROUGH OF PENNINGTON
MASTER PLAN

MASTER PLAN AND DEVELOPMENT REGULATIONS
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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.

In consideration of regional growth concerns, the 1965 Master Plan of the Borough of Pennington was prepared in conjunction with the Hopewell Township and Hopewell Borough Planning Boards. In 1974, the Master Plan was amended to include the "Northwest Quadrant Design Plan", which focused on the northwestern portion of the Borough. The Pennington Borough Planning Board reexamined and updated the Master Plan in 1990 and again in 1998.

The current Master Plan of the Borough of Pennington consists of the "1998 Master Plan", which was adopted on December 9, 1998, and a separate "Housing Plan Element", which was revised through March, 1995 and adopted on October 17, 1995.

The "1998 Master Plan" 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
8. Borough Center Area Plan.

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 six (6) years. The reexamination report shall include an addressment of 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, dispositions and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.

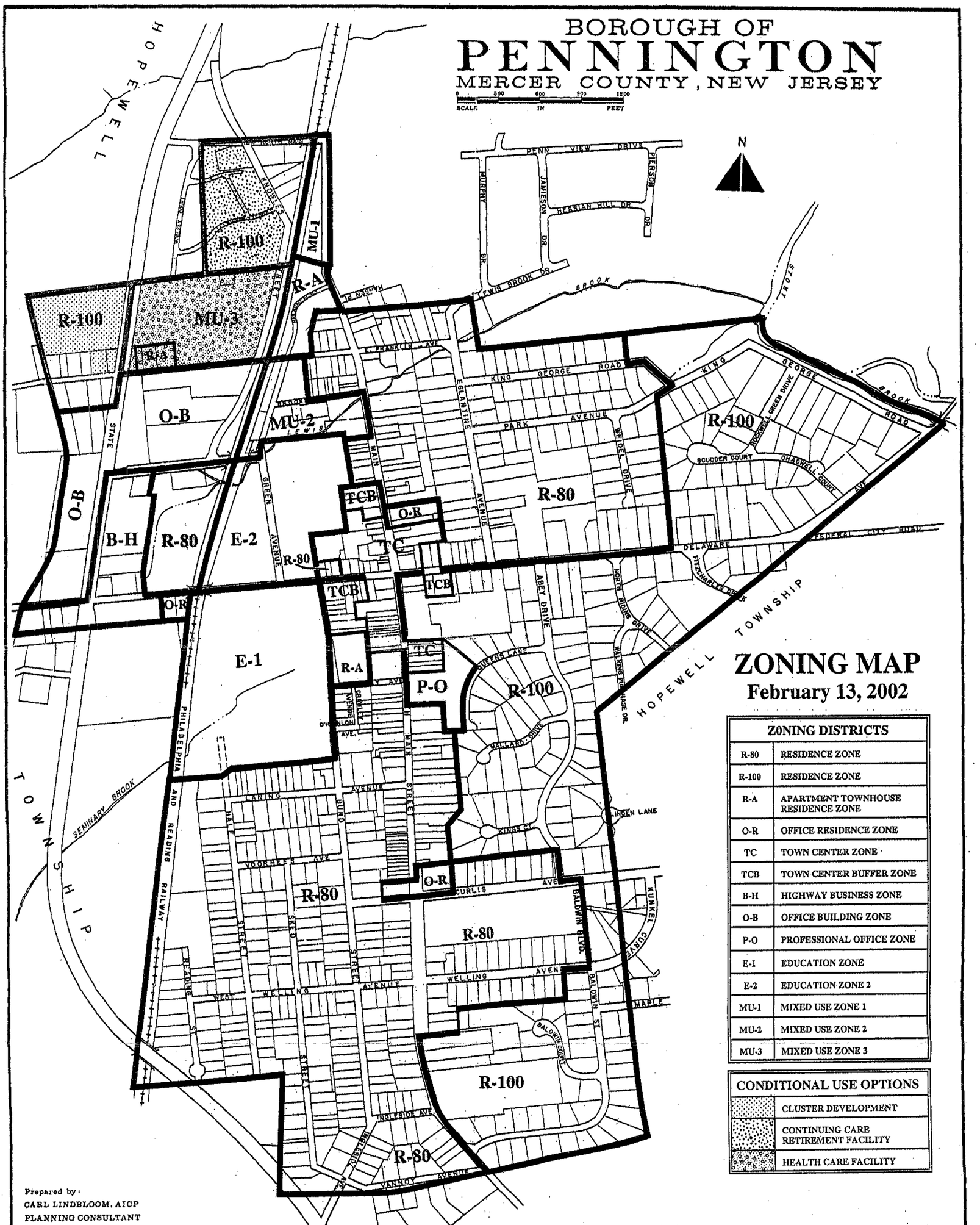
d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

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 CURRENT ZONE PLAN

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 developments and some scattered office and commercial uses also are found throughout the Borough, primarily along or near Main Street.

Further to the west of the village commercial area and along West Delaware Avenue is located 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.


BOROUGH OF
PENNINGTON
MERCER COUNTY, NEW JERSEY
SCALE: 0 300 600 900 1200 IN FEET
N
ZONING MAP
February 13, 2002
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
HEALTH CARE FACILITY
HOPEWELL TOWNSHIP
PENNINGTON BOROUGH
Prepared by:
CARL LINDBLOOM, AICP
PLANNING CONSULTANT
Prepared By: Coppola & Coppola Associates
Princeton Junction ~ New Jersey

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 few residential areas and an assisted living complex are located along the side streets leading from State Highway Route 31. Additionally, the United States Post Office, the Pennington Fire Company, the First Aid Squad and the Public Works Department are located in this portion of the Borough.

There are very little vacant or underutilized land areas in the Borough of Pennington; in fact, only three (3) sizeable tracts remain. All three (3) of the tracts are located west of the railroad line. Two (2) of these 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, the later of which currently is used by the Borough Public Works Department.

The third tract recently was approved by the Planning Board for a commercial development on the east side of State Highway Route 31 in the "O-B" Office Building Zone.

As evidenced by the Borough's current "Zoning Map", which appears on the following page of this report, the zoning district designations within the Borough generally reflect the existing patterns of development.

MAJOR PROBLEMS AND OBJECTIVES

As enumerated in the adopted "1998 Master Plan", the Borough of Pennington set forth specific goals and objectives for the municipality's future development and land use policies. 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.

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.

6. The Borough should cooperate with the Township and community service groups such as The Friends of Hopewell Valley Open Space, the Stony Brook-Millstone Watershed Association and the Middlesex, Somerset, Mercer Regional Council (MSM) in considering a Village Center designation, under the State Plan, for the Borough and the area immediately contiguous to the Borough.

   - The Community Development boundary for the Village Center should reflect natural breaks in development and should be sensitive to existing Borough character.

   - The Borough should work closely with area public and private agencies to preserve open space areas surrounding the Village Center.

   - Borough water and Stony Brook Regional Sewerage Authority sewer service should be limited to the Village Center area."

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

Since there has been relatively little development in the Borough of Pennington since the adoption of the "1998 Master Plan", all but one of the goals and objectives stated in the "1998 Master Plan" continue to remain valid for the Borough of Pennington. The one objective found to be no longer valid is Goal #6, which was to designate the Borough of Pennington as a "Village Center" under the State Development and Redevelopment Plan (SDRP).

As discussed herein below, most of the stated problems and objectives actually have been reduced due to actions taken by the Borough officials over the years, and none have increased.

As discerned from the stated goals and objectives, this section of the reexamination report has been organized under the following six (6) topics of discussion:

1. The Designation Of A "Village Center";
2. The Prevailing Residential Character Of The Borough;
3. The State Highway Route 31 Corridor;
4. Traffic And Pedestrian Circulation;
5. The Town Center; and
6. Other Master Plan Recommendations.

The Designation Of A "Village Center"

As previously noted, the one objective found to be no longer valid is the goal to designate the Borough of Pennington as a "Village Center" under the State Development and Redevelopment Plan (SDRP). While the Borough started the process for center designation under the 2001 SDRP, the process was not completed prior to the release of the new Preliminary Plan on April 28, 2004.

Under the new plan, municipalities will be encouraged to obtain "preliminary plan endorsement" from the State Planning Commission in order to ensure that their master plans are consistent with the State Development and Redevelopment Plan. The "preliminary plan endorsement" actually will be required for all municipalities seeking "substantive certification" from the New Jersey Council On Affordable Housing (COAH).

It appears that the plan endorsement process will negate the necessity for "center" designation, per se. Therefore, the stated goal to designate the Borough of Pennington and the surrounding area as a "Village Center" should be eliminated at this time.

A significant change proposed in the new Preliminary Plan for the Borough of Pennington is a change in the "Planning Area" designation for the Borough and the surrounding area in Hopewell Township from "Planning Area 3" to "Planning Area 2". This proposed change is a concern to the Borough and is the subject of current "cross acceptance" negotiations between the Borough, Mercer County and the State Office of Smart Growth.

The Prevailing Residential Character Of The Borough

The objectives relating to protecting the residential character of development in the Borough of Pennington are being addressed primarily through the development application process.

Since there is little vacant land left in the Borough, the amount of residential development occurring in the Borough is negligible. This fact is evidenced by the low number of residential building permits issued in the Borough since 1990. As shown on the "Residential Building Permits Issued, 1990-2003" chart, which is attached to this report as Addendum I, only nine (9) single-family residential building permits were issued during the fourteen (14) year time period, resulting in an average of only 0.64 permits per year.

The residential development that has occurred over the past few years in the Borough has been on existing isolated, vacant lots as "infill development", or on new lots created by minor subdivision approval, or as a result of expansions to existing dwellings. Generally, variance approval from the Borough Planning Board has been required for most of this residential development due to the undersize or narrowness of the subject lots which do not comply with the zoning standards for the subject residential zoning district.

The variance application process has provided the Planning Board with the opportunity to ensure that new residential development is consistent in scale and character to existing development and that the visual quality and historic character of the Borough is protected.

However, the number of minor subdivision applications which included at least one (1) lot with either slightly insufficient lot area or insufficient lot width raises a question as to whether the minimum requirements in the "R-80" and "R-100" zoning districts are appropriate and representative of the prevailing development patterns in the subject areas. If the few oversized residential lots in the Borough cannot be subdivided without variance relief, then it might be possible that the minimum lot width requirement is not reasonably proportional to the lot size requirement. This issue is further discussed later in this report.

Another concern is that recent applications for expansions to existing dwellings in the Borough indicate a trend towards the desire for homes larger than those historically built in the Borough. Other areas of the State have experienced a similar trend, which has resulted in the tearing down of existing, older and smaller dwellings and replacing them with larger and taller ones. Indeed, where the size of a lot might preclude the construction of the larger and taller homes, adjacent lots are being consolidated to allow for the desired dwelling, even if two (2) older dwellings must be razed. The increased size and height of dwellings to meet the demands of the current market could potentially negatively impact the prevailing character of the Borough's residential neighborhoods.

The State Highway Route 31 Corridor

In an effort to address the goals for the enhancement of the visual quality of the State Highway Route 31 corridor and for meeting the needs of the regional and highway oriented business uses, the Borough recently adopted an ordinance amending the zoning requirements for the "O-B" Office Building zoning district. The ordinance expanded the permitted uses in the "O-B" zoning district to include child care centers (as required by the Municipal Land Use Law), indoor technical training centers (which currently exist in the zone) and banks and limited retail uses as "conditional uses".

The ordinance also set forth specific standards for the size, design and scale of the buildings in the "O-B" zoning district as well as other site planning considerations. The buildings are to be closer to the highway, with parking placed behind the buildings or to the sides, all in an effort to create a streetscape with landscaping, sidewalks, attractive buildings and limited accessways to the highway. One of the two (2) remaining large vacant tracts fronting on State Highway Route 31 recently was approved for development in concert with the new ordinance provisions. It is hoped that this development, when built, will entice others to upgrade and enhance the appearance of the highway corridor.

During 2002, the Borough adopted an ordinance providing for a "MU-3" Mixed Use Zone on the Capital Health Care Systems site, the other remaining vacant tract along State Highway Route 31.

In consideration of the Borough's affordable housing obligations, the ordinance provides for an inclusionary, mixed-use development, which is to include a maximum of forty (40) attached or multi-family, non age-restricted residential dwelling units and non-residential uses comprising offices and health care facilities. The ordinance also permits assisted care living facilities, age-restricted housing and medical staff residences. At least eight (8) of the maximum forty (40) non age-restricted units must be affordable in accordance with the "Substantive Rules" of the New Jersey Council On Affordable Housing (COAH).

The design standards for this inclusionary development prohibit direct vehicular access to State Highway Route 31 and require a perimeter landscape buffer. Although the site is zoned for an inclusionary development, which limits the imposition of cost-generating design standards, the ordinance provisions should be refined to address the goals of the Borough's Master Plan regarding the protection and enhancement of the visual quality along the State Highway Route 31 corridor.

Recommended design standards for the State Highway Route 31 corridor are found in the "Route 31 Design Study" report dated December 2002 and prepared for Pennington Borough and Hopewell Township by Dodson Associates with the aid of a Smart Growth Planning Grant. The report was released after three (3) public meetings and includes detailed design guidelines relating to general site planning, streetscapes and landscaping, architecture, access management, parking, and signage. Many of the recently adopted provisions for the "O-B" zoning district reflect the recommendations found in the "Route 31 Design Study" report.

The "Route 31 Design Study" report also analyzed the existing conditions along Route 31 and made recommendations for cartway improvements to address traffic calming and safety issues and for bicycle and pedestrian access. Since these improvements are proposed within the State right-of-way, Pennington Borough and Hopewell Township should continue to work with the State Department of Transportation on the execution of these recommendations.

Traffic And Pedestrian Circulation

In addition to the "Route 31 Study Design" report, other efforts have been taken to provide improved safe and continuous pedestrian and bicycle access throughout the Borough, as well as access to public and preserved open space areas in adjacent Hopewell Township. A collaborative partnership between non-profit organizations, citizens, private corporations, and local, county and state government lead to the planning of the Lawrence Hopewell Trail. This twenty (20) mile biking and walking pathway will loop through Lawrence and Hopewell Townships to connect a number of corporate parks, schools, residential areas and recreational sites, including Rosedale Park and Northwest Mercer County Park east of Pennington Borough.

This summer, Bristol Myers Squibb, located adjacent to Pennington Borough to the northeast on Pennington-Rocky Hill Road (an extension of East Delaware Avenue), received approval from the Hopewell Township Planning Board to build the first link of the proposed pathway along Pennington-Rocky Hill Road from Old Mill Road to the Titus Mill and Wargo Roads intersection.

Other pedestrian improvements in Pennington Borough have been required along the State Highway Route 31 corridor through the municipal development review process and in concert with the "Circulation and Sidewalk Plan" which is part of the Borough's "1998 Master Plan". These improvements will provide connections between the Straube Center and West Franklin Avenue to the north and between Broemel Place and the U.S. Post Office to the south.

Traffic congestion along State Highway Route 31 and Delaware Avenue has increased over the years, especially during the peak hours. The construction of the new Merrill Lynch facility in Hopewell Township to the west of the Borough has brought more traffic along State Highway Route 31 and through the Borough.

Truck traffic on the highway continues to be a major concern. In 1995, the NJDOT announced a six (6) point action plan to address truck safety concerns on State Highway Route 31, which included reducing speed limits; implementing a truck safety inspection plan by the State Police; pursuing a permanent truck inspection station; forming a truck safety advisory group including municipal, county and state representatives; and working with the New Jersey Turnpike Authority on a truck-friendly policy to encourage the use of the Turnpike as a major through corridor for commercial traffic.

The addition of a new light at the intersection of New North Main Street with State Highway Route 31 in Hopewell Township in the vicinity of Pennington Point has helped to improve traffic circulation, especially for left turning movements onto State Highway Route 31. A light at Elm Ridge Road and improvements made by Bristol Meyers Squibb to Pennington-Rocky Hill Road also have helped with the traffic circulation in the eastern portion of the Borough.

The "Town Center"

The "1998 Master Plan" recommended the creation of a new "Town Center" zoning district area and a new "Town Center Buffer" zoning district area, both of which were proposed in the Land Use Plan Element portion of the Borough's Master Plan. The purpose of the new "Town Center" zoning district area was "to recognize the growing importance of this area and its functional difference from that of the highway oriented uses fronting on Route 31". A mixture of uses was recommended "to encourage a vibrant and healthy town center, respectful of the scale and historic/residential character of its surroundings".

The "Town Center Buffer" zoning district area was to act as a transition between the "Town Center" zoning district area and the adjacent residential zoning district areas. The enabling ordinances for both the "TC" Town Center zoning district and the "TCB" Town Center Buffer zoning district were adopted at the end of 2001.

To further address the objective to protect and enhance the visual quality and historic character of the Borough, the Streetscape Committee of the Borough has developed a report with recommendations for the desired hardscape within the "Town Center" and the surrounding areas

along Main Street and Delaware Avenue, including items such as lighting, sidewalks, and building treatments. It is recommended that the report be incorporated as part of the Master Plan by reference.

Other 1998 Master Plan Recommendations

Another Land Use Plan recommendation in the "1998 Master Plan" was for the creation of a new Office/Limited Business zoning district area, which was to replace the existing "O-R" Office Residence Zone encompassing five (5) small areas in the Borough. However, due in part to other zoning changes which were acted upon, this recommendation was never effectuated.

The subject five (5) areas included lands on each of the northern sides of the Curlis Avenue/South Main Street intersection which are in the "O-R" zoning district, lands in the northeast corner of the intersection of West Franklin Avenue and State Highway Route 31 which are zoned "R-A" Apartment/Townhouse Residential, a lot west of Knowles Street at the northern municipal boundary within the "R-100" zoning district, and lands west of North Main Street which are zoned as "MU-1" Mixed Use.

The "1998 Master Plan" also recommended the incorporation of non-residential building design guidelines into an updated site plan ordinance, standards for cellular antenna facilities and home based businesses, a review of the permitted uses in the "MU-2" zoning district area, and other appropriate revisions and codification to the development regulations and zoning map.

The non-residential building design guidelines were to complement the design standards to be set forth in an historic district ordinance to effectuate the Historic Preservation Plan Element adopted as part of the 1990 Master Plan. To date, there have not been any changes to the Historic Preservation Plan Element or the adoption of ordinance provisions to implement the prior plan.

Although the site plan ordinance of the Borough has not been updated, the recently adopted "O-B" zoning district provisions include requirements for building design and for other site plan design considerations in that zone. A general updating of the development regulations, as well as the other recommended land use changes, also have not occurred, except for the adoption of amendments for the new "O-B" and "MU-3" Zones and other minor changes.

SIGNIFICANT CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES

A number of significant changes in the assumptions, policies and objectives forming the basis for the recommendations of the "1998 Master Plan" and implementing development regulations have come into focus during recent years. Three (3) of these changes are noted as follows and are discussed herein below:

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.

Satisfaction Of The Borough's 1993-1999 Affordable Housing Obligation And COAH's New Rules

The Borough's Current Compliance Under COAH's Existing Rules

The New Jersey Council On Affordable Housing (COAH) granted "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 available 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 Borough of Pennington addressed the nine (9) unit "Rehabilitation Component" obligation by contracting with Housing Services, Inc. to oversee a rehabilitation program. Regarding the twenty (20) unit "New Construction Component", the Borough's "Fair Share Plan" includes 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 is 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.

An overlay zone to govern the design of the mixed use development is to include a minimum of twelve (12) affordable housing units and a maximum of sixty (60) total units. Presently, the site is zoned for single-family residential units in the "R-80" zoning district, and since the Borough continues to own and utilize the subject site for its Public Works Department, an overlay zone has yet to be adopted. However, the Borough currently is considering the relocation of its Public Works Department which prompts the need for the adoption of the overlay zone.

Additionally, while there has been interest expressed in developing the Capital Health Care Systems site, no application has yet to be filed. It appears that some of the concerns which may be hampering any action to proceed with a development plan are the present limitation on 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.

COAH's New Rules And New "Fair Share" Methodology

The New Jersey Council On Affordable Housing (COAH) introduced proposed new "Substantive Rules" on July 13, 2004. The proposed rules were published in the New Jersey Register on August 16, 2004 and went into effect on December 20, 2004. It is prudent to understand the basic elements of the new rules, since they are quite different than the prior rules and will affect the land use planning for the Borough.

At the outset, it will be necessary for each municipality to prepare an analysis of the municipality's demographic, housing and employment characteristics as discerned from the 2000 U.S. Census and other related data.

Additionally, the new rules include three (3) components of a municipality's future "fair share" affordable housing obligations, as follows:

- "Rehabilitation Share";
- "Remaining Prior Round Obligation" (1987-1999); and
- "Growth Share".

Rehabilitation Share

The new "Rehabilitation Share" was calculated from the 2000 U.S. Census data, and the number assigned to a municipality will replace 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

The Borough of Pennington must provide 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.

Growth Share

The "Growth Share" approach to the calculation of the number of new affordable housing units obligated to a municipality represents the most significant departure from COAH's prior "Substantive Rules". Summarily, the "Growth Share" approach links the number of new affordable units obligated to a municipality with the actual residential and non-residential development that occurs in the municipality.

Regarding residential development, the new rules will require that for every eight (8) new market rate units constructed in a municipality, the municipality would be obligated for one (1) affordable unit. More specifically, the residential component of the "Growth Share" obligation would be calculated by dividing by eight (8) the number of residential building permits issued from January 2004 to 2014 which are not direct replacements for demolished units. In other words, for every eight (8) non-affordable units constructed within a municipality, one (1) affordable unit also must be constructed or be otherwise addressed in accordance with COAH's rules.

Regarding non-residential development, the new rules will require that for every twenty-five (25) new jobs created in the municipality as a result of non-residential development, the municipality would be obligated for one (1) affordable unit. More specifically, the non-residential component of the "Growth Share" obligation would be calculated by dividing the gross number of jobs added in newly constructed non-residential space from January 2004 to 2014 by twenty-five (25).

The actual number of jobs created in newly constructed non-residential space is disaggregated by COAH according to the "use groups" as defined in the Uniform Construction Code (UCC). More particularly, the new rules include an "Appendix E", which contains a chart with fourteen (14) different "use groups" and the number of jobs created per thousand (1,000) square feet of area devoted to each of the groups.

Other Major Changes In COAH's New Rules

For informational purposes, some of the other major changes in COAH's new rules area as follows:

- The cost for each unit included within a "Regional Contribution Agreement" (RCA) increases to $35,000 versus the previously required $25,000;

- Municipalities are permitted to have no more than 50% of the total number of new affordable units actually constructed within the municipality as age-restricted, "Senior Citizen" units, versus the prior limit of 25% against the total calculated obligation; and

- The percentage for "Development Fees" is permitted to be one percent (1%) of the equalized assessed valuation for residential development and two percent (2%) for non-residential development, versus the current limits of one-half of one percent (0.5%) for residential development and one percent (1%) for non-residential development.

New Jersey State Stormwater Management Rules

The New Jersey State Department of Environmental Protection (NJDEP) has concluded that changes in land use resulting in an increase in impervious surfaces, runoff, suspended sediment and pollutant loading directly affect the hydrology, geomorphology and water quality of streams.

Additionally, NJDEP's Division of Water Quality has estimated that sixty percent (60%) of the State's existing water pollution problems are attributable to storm water; i.e., the rain and snow, which feeds surface water and groundwater, combined with non-point source pollutants. Since almost one-half (½) of New Jersey's drinking water comes from groundwater, the protection of the quantity and quality of the groundwater has been deemed to be extremely critical.

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

The first set of adopted rules updates the state's "Stormwater Management Rules" for the first time since their original adoption in 1983. The "Stormwater Management Rules" (N.J.A.C. 7:8), set forth the required components of regional and municipal stormwater management plans, and affect the requirements for several state-issued permits, such as those permits regarding freshwater wetlands and stream encroachment.

The State of New Jersey will make available grant funding to municipalities for the development and implementation of a Municipal Stormwater Management Plan. Some of the elements of a Municipal Stormwater Management Plan will include the mapping of water bodies and groundwater recharge and wellhead protection areas, an evaluation of the municipal Master Plan and the municipal regulations implementing "Low Impact Development" (LID), and a "Build-Out Analysis", which is to include information on total impervious coverage and expectant pollutant loads.

Additionally, the "Stormwater Management Rules" require design and performance standards for proposed new development, including groundwater recharge and runoff quality controls, and a three hundred foot (300') buffer for streams designated as "Category One" (C1). The C1 classification is based on the clarity, color, scenic setting, exceptional ecological significance, and/or the exceptional fishery resources of a water body.

For residential development, the design and performance standards have been incorporated into the Residential Site Improvement Standards (RSIS) and took effect immediately for new residential development that involves an acre or greater of land disturbance and has not already received specific local and State approvals that provide grandfathering relief as established in NJAC 7:8-1.6.

For nonresidential development, the "Stormwater Management Rules" will not apply at the municipal level until an ordinance is passed adopting these standards. However, if the non-residential development requires one of the State's "Land Use Regulations Program" permits, which are listed at N.J.A.C. 7:8-1.6 (e.g., a freshwater wetlands permit), the new rules will be applied under that review.

Further, the "Stormwater Management Rules" emphasize the use of non-structural techniques to manage stormwater, including preserving natural drainage features, minimizing impervious surfaces and minimizing the use of stormwater pipes. These and other techniques are presented in a "Best Management Practices" (BMP) manual that was developed by the NJDEP.

Lastly regarding the "Stormwater Management Rules", municipalities will need to take steps to reduce non-point source pollution through local ordinances and public outreach and education programs.

The second set of rules adopted on January 5, 2004 by the New Jersey Department of Environmental Protection NJDEP) are the "Phase II New Jersey Pollutant Discharge Elimination System Stormwater Regulation Program Rules" (N.J.A.C. 7:14A). These rules are intended to address and reduce pollutants associated with existing stormwater runoff entering waterbodies from storm drainage systems owned or operated by local, State, interstate or Federal government agencies.

The "General Permit" for a "Phase II New Jersey Pollutant Discharge Elimination System" (NJPDES) requires minimum control measures, including stormwater pollution prevention measures, at municipally owned facilities such as public works facilities, salt/sand storage areas, vehicle maintenance facilities, etc.

Providing Adequate Public Sewer And Water Service

Since the 1998 Master Plan publication, the Borough has continued to grow, albeit predominantly through infill, increasing its customer base by 15% from 1,138 in 1997 to 1,303 in 2004. This growth is a net figure after an aggressive program by the Borough to consolidate users with multiple meters to a single meter where possible.

The actual water system infrastructure has changed little since 1998 other than minor upgrades and water service connection replacements done in conjunction with annual road maintenance and repair. The Borough's Water Allocation Permit was renewed as of January 31, 2003 and expires on March 31, 2010. A significant condition of this renewal is to reduce unaccounted-for water to 15% or less by December 31, 2005 from its current 20-25% range. The Borough has undertaken a series of leak detection programs and repairs where warranted. Currently, the Borough is considering a water use audit in order to identify potential areas of unaccounted-for water use.

The Borough also undertook a capacity and reliability analysis of its water system in conjunction with a general requirement of the permit renewal, as well as to provide additional data with respect to plans for any future growth projected in the Borough. This April 2004 report concludes that the Borough infrastructure is currently **not** capable of delivering water in the amounts allowed under the Borough's Diversion Permit. Further, the Borough's water supply, at its current customer base can become stressed and/or unreliable during drought conditions, especially during summer months. And further, the report concluded that, under certain rare but possible conditions, the Borough's system cannot adequately sustain minimum water pressure at all parts of the distribution network. The report indicates that the Borough's current 600,000 water storage tank is inadequate to provide adequate fire reserve and to accommodate future growth.

In response to these findings, the Borough is undertaking feasibility studies to increase its yield from existing wells, considering the development of an additional well, and moving towards providing additional water storage to address its current storage deficit and to accommodate future growth.

In the interim, the Borough has moved to limit the amount of water it makes available for any new or expanded developments or fire flow until additional storage capacity is provided.

On the wastewater conveyance side, the Borough's wastewater system remains relatively in tact and unchanged since the 1998 Master Plan Report. Additional connections have been provided as development has occurred, and the Borough has obtained certain information with respect to infiltration inflow analysis and is developing a plan to determine the feasibility of reducing extraneous flows in its conveyance system.

Wastewater treatment and disposal is provided through the Stony Brook Regional Sewerage Authority's (SBRSA) Pennington Wastewater Treatment Plan which, for all practical purposes, is currently at capacity. A modification to the Borough's wastewater management plan is being prepared by SBRSA and is expected to be submitted to the State in early 2005. It is expected that the Authority will be forecasting an increased expansion of the plant of approximately 150-175,000 gallons per day. Future development in the Borough will be predicated upon the availability of additional treatment and disposal at the SBRSA expanded facility, which possibly could require two to three years to replace.

The table below summarizes the Borough's projected future needs with respect to water and sewerage capacity.

Current Projects

	gpd (gal/day)
Expansions of Existing Commercial Use	8,000
Public Works Facility	4,000

Potential Future Projects

Expansions of Existing Commercial/Institutional Use	14,000 [2]
Landfill Redevelopment (COAH Overlay Zone)	28,000 [3]
Capital Health (Inclusionary MU-3 Zone)	27,000

Infill Development - Various Zones

R-80, R-100, R-A Zones	25,000
O-R, TC, B-H Zones	9,000
Subtotal	**115,000 gpd**
Regional School Expansion(s)	25,000
Total	**140,000 gpd** [1]

Footnotes:

1. Economic conditions will play a major role in realizing projected growth. It is estimated that 50% of this projection may be realized over the next 10 years.
2. Pennington School currently supplies its own water needs via an on site well. Expanded use currently impacts sewer only.
3. Significant potential environmental issues must be satisfied prior to any reuse of this site.

RECOMMENDED CHANGES TO THE MASTER PLAN AND DEVELOPMENT REGULATIONS

Land Use Plan Element

"R-80" & "R-100" Residence Zones

An analysis of the Tax Maps of the Borough of Pennington was conducted in order to determine whether the minimum required lot sizes and lot widths governing development within the "R-80" and "R-100" Residence zoning district areas reasonably reflect the lot sizes and widths of existing lots within the subject districts. Exempt properties, as noted on the Tax Map sheets, were not included in the analysis.

In the "R-100" Zone, the existing lots range in size from 5,084.80 square feet (i.e., 0.117 ac) to 2.35 acres, and the existing lot widths range from 30 feet to approximately 289 feet. Most of the lots generally appear to meet the minimum required lot size of 20,000 square feet for interior lots and 24,000 square feet for corner lots. Similarly, most of the lot widths measure between 90 and 110 feet for interior lots, which compares to the ordinance requirements of 100 feet. Approximately one-third of the corner lots are slightly less than the required 120 foot lot width; however, the majority of the corner lots meet or exceed the lot width requirement.

There are few overly large lots in the "R-100" Zone which could be subdivided. Only one (1) corner lot and two (2) interior lots are large enough to be subdivided without lot area or lot width variances under the "R-100" provisions.

An additional seven (7) interior lots are large enough to be subdivided, but lack sufficient width to be subdivided without variance relief. Of the seven (7) lots, the greatest width of any lot is only 136 feet. Therefore, it is unlikely that any of the seven (7) lots would be the subject of a minor subdivision application, especially since the lots are most probably developed.

The existing lots in the "R-80" Zone reflect a greater diversity in sizes and widths. The lots range in size from approximately 2,156 square feet (i.e., 0.049 ac) to 2.2 acres in size, with lot widths ranging from 0 to 195 feet. No norm or consistent range in lot size or lot width is apparent. Approximately one-half (½) of the lots appear to be either undersized, have insufficient width, or both. Moreover, the lots conforming to the minimum lot size of 12,000 square feet for an interior lot, or 15,000 square feet for a corner lot, often do not meet the minimum width requirements of 80 feet and 100 feet, respectively.

Of the larger lots in the "R-80" Zone with sufficient square footage to be potentially subdivided, only five (5) interior lots are large enough to be subdivided without variance relief for lot area or lot width. Only two to four (2-4) corner lots are large enough to be subdivided, but they lack sufficient lot width to be subdivided without variance relief.

For the interior lots, in addition to the five (5) lots large and wide enough to be subdivided without variance relief, thirty-seven (37) lots could be subdivided due to their lot size, but each would require a variance for insufficient frontage.

Given that the existing lots in both residential zoning districts vary greatly in size and width, it is not readily possible to determine a prevailing lot size and lot width in each zone. Therefore, it is not recommended to revise the minimum required lot area or lot width ordinance requirements for either the "R-80" or "R-100" zoning districts.

In the case of a minor subdivision application for residential lots with adequate areas but deficient widths, the prevailing lot widths in the immediate area should be reviewed on a case by case basis in order to determine whether any variance requested for insufficient lot width is consistent with the existing pattern of residential development in the particular neighbourhood.

In order to maintain the existing character of residential development in the Borough of Pennington, it is recommended that a maximum dwelling size be established for each zone. For the "R-80" Zone, a maximum floor/area ratio of 0.275 is recommended, provided that no dwelling unit exceed 4,500 square feet in size. The recommended floor/area ratio would allow a 3,300 square foot dwelling on a 12,000 square foot lot, which is the minimum required lot area for an interior lot in the "R-80" Zone. The maximum floor/area ratio to be permitted for dwelling units should exclude basements but should include all gross square footage of habitable floor space above the finished grade.

For the "R-100" Zone, a maximum floor/area ratio of 0.25 is recommended, provided that no dwelling unit exceed 6,500 square feet in size. The recommended floor/area ratio would allow a 5,000 square foot dwelling on a 20,000 square foot lot, which is the minimum required lot area for an interior lot in the "R-100" Zone.

In order to keep the mass of new dwelling units in scale with existing dwelling units, the building height definition also is recommended to be revised. Presently, building height is measured only at the front of a building, and if the building has a pitched roof, the height is measured from the finished grade to the deckline of a mansard roof or to the average height between the plate and ridge of a gable, hip or gambrel roof.

The permitted dwelling unit height currently is thirty-five feet (35') and two and one-half (2 ½) stories, which is more than sufficient to accommodate a single-family dwelling to the top of a pitched roof. Therefore, it is recommended that the measurement of building height be changed to mean the vertical distance measured to the highest point of a building from the mean elevation of the finished grades along all sides of a building.

"MU-3" Mixed Use Zone

The permitted use in the "MU-3" zoning district is an inclusionary, mixed-use development, which is to include a maximum of forty (40) attached or multi-family non age-restricted residential dwelling units and non-residential uses comprising offices and health care facilities. The ordinance also permits assisted care living facilities, age-restricted housing and medical staff residences. At least eight (8) of the maximum forty (40) non age-restricted units must be affordable in accordance with the "Substantive Rules" of the New Jersey Council On Affordable Housing (COAH).

Each component of the mixed-use development has its own standards for front, side and rear yards, building heights, coverage and density or floor/area ratio, but there are no specific standards for the separation of buildings within the development or for perimeter setbacks. Therefore, it recommended that the ordinance provisions be revised to require a minimum thirty foot (30') separation between any buildings, and a minimum forty foot (40') setback to all tract boundaries other than State Highway Route 31.

In the case of Route 31, it is recommended that a twenty foot (20') setback for all non-residential uses be required and that a fifty foot (50') setback be required for all residential uses. For every additional fifty feet (50') of building length after the first one hundred feet (100'), the setbacks for non-residential buildings from Route 31 should be increased by ten feet (10').

Language should be added to the ordinance provisions to specify that the non-residential uses within the development must be located a minimum of fifty feet (50') from the residential component of the development. In other words, the residential component should be clustered together with appropriate open spaces for passive and active recreational facilities to serve the needs of the residents. Moreover, ordinance language should be added to require appropriate screening between the residential and non-residential land uses. The only exception to these separation and screening provisions would be if the tract were developed as a "continuing care facility" or as a "planned development", where the residential component of the development was designed to be part of an integrated community.

The current zoning map of the Borough includes a screen overlaying the "MU-3" zoning district, indicating that a "Health Care Facility" is a "conditional use" option within the district. The screen overlay should be removed, since the mixed use development is the sole permitted use in the zoning district, in accordance with the "Substantive Certification" granted by COAH, and includes health care facilities as one possible component of the mixed use development.

Moreover, the ordinance provisions should be revised to more clearly define the relationship between the permitted uses in the "MU-3" zoning district and the intensity and density of residential and non-residential development. Appropriate design standards should be incorporated to guide a potential developer towards the desired type and mix of uses constituting a "planned development".

Since the New Jersey Council On Affordable Housing (COAH) previously reviewed and approved the present "inclusionary" development ordinance provisions governing development within the "MU-3" zoning district, any changes to the existing ordinance language will be contingent upon their review and approval.

Affordable Housing Overlay Zone

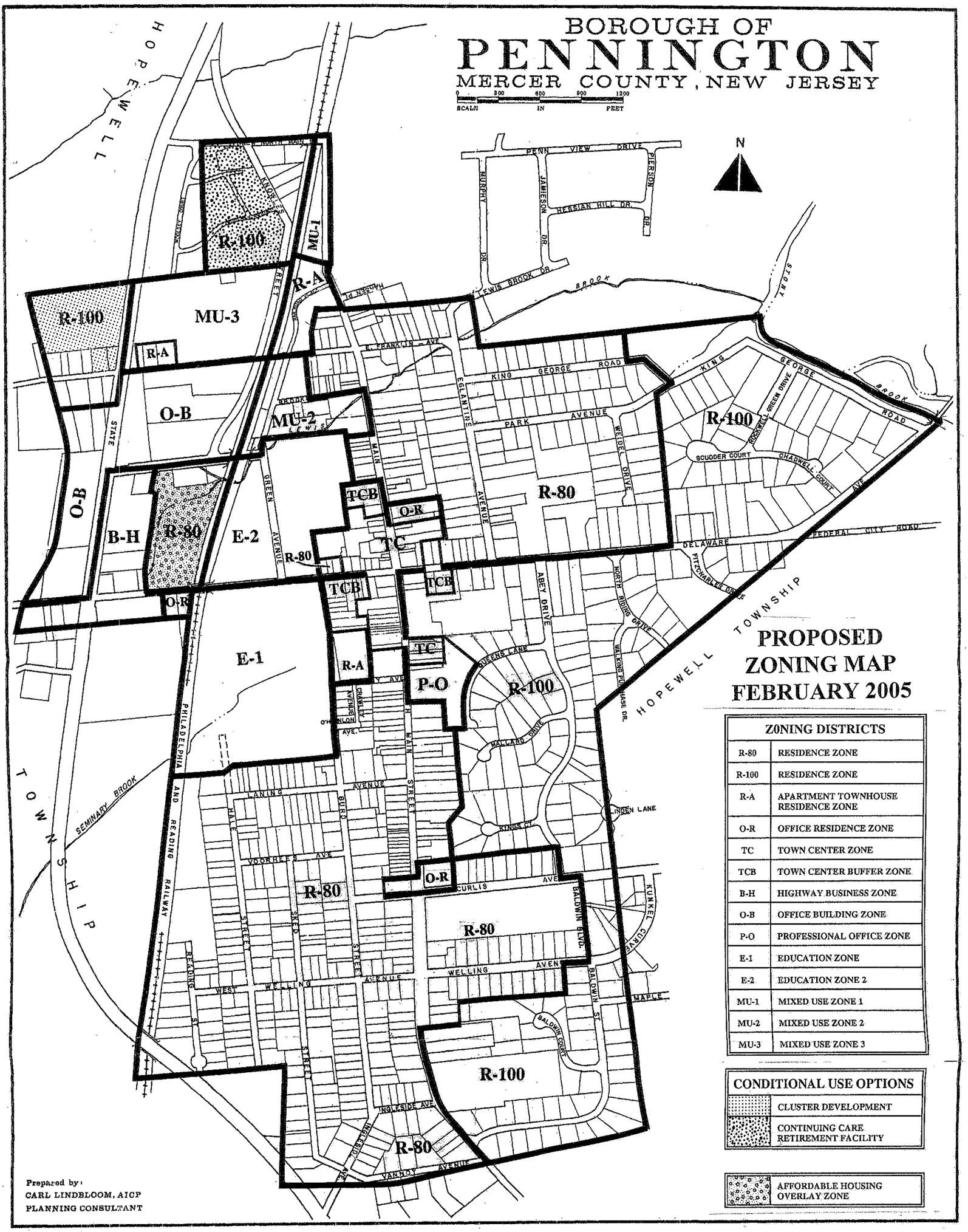
In accordance with the final "Substantive Certification" granted to Pennington Borough by the New Jersey Council On Affordable Housing (COAH) on June 6, 2002, a portion of the Borough's unmet need of thirty-two (32) new affordable dwelling units is to be addressed as part of an inclusionary mixed use development on the former landfill site owned by the Borough, if and when the Borough abandons the use of the site. The subject site, Lot 15 in Block 4.01, is 7.56 acres in size and is located between Broemel Place and Delaware Avenue. The site presently is used by the Borough Public Works Department.

The Borough has purchased an undeveloped parcel of land abutting Pennington Borough to the north in Hopewell Township, which is intended to be used for a new public works facility. As a result, the former landfill site will become available for the inclusionary mixed use development. Therefore, an "Affordable Housing Overlay Zone" is proposed to be formulated at this time in order to ensure that the zoning for the required mixed use development will supersede the underlying "R-80" Zone when the site no longer is used by the Borough of Pennington.

The "Proposed Zoning Map", which appears on the following page of this report, shows both the removal of the overlay for a "Health Care Facility" conditional use option within the "MU-3" zoning district area, as previously discussed, and the addition of the "Affordable Housing Overlay Zone" on the former landfill site. This map should be considered as an updated Land Use Plan Map superseding the one found in the "1998 Master Plan".

When public sewer and public water facilities are available, the proposed "Affordable Housing Overlay Zone" shall permit the development of a maximum of sixty (60) apartment units solely above permitted first floor non-residential uses. Furthermore, there shall be a minimum of twelve (12) units subsidized or otherwise made available to "low" and "moderate" income households in accordance with the applicable "Substantive Rules" of the New Jersey Council On Affordable Housing, which equates to twenty percent (20%) of the maximum total number of units. These units shall be apartment units or, in the alternative, a group home with the equivalent of twelve (12) affordable housing units meeting COAH's standards.

The permitted non-residential uses shall consist of retail business establishments which are clearly of a community service character, including, but not limited to, the sale of food items, drugs, stationary, clothing, jewelry and accessories, and other general merchandise for public use or consumption, and personal service establishments which are clearly of a community service character, including, but not limited to, barber and beauty shops, shoe repair and tailor shops, general business and professional offices, banks, dry-cleaning pickup shops and self-service laundries. No large compressors or outside mechanicals associated with a non-residential use nor any non-residential use operating after 9:00 p.m. shall be located below or near a residential unit.



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:
CARL LINDBLOOM, AICP
PLANNING CONSULTANT

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

The maximum floor/area ratio for the non-residential component of the development shall be 0.22. The residential dwelling units shall not be counted in the computation of the floor/area ratio. No individual building shall exceed thirty thousand (30,000) square feet in size.

Additionally, no building shall exceed a height of forty-five feet (45') and three and one-half (3 ½) stories. A minimum sixty foot (60') front yard, a minimum forty foot (40') setback from any tract boundary line, and a thirty foot (30') distance between all buildings shall be required. Off-street parking shall be required at a ratio of one (1) space for every 250 square feet of non-residential gross floor area, plus one (1) space for every dwelling unit, with the assurance of shared parking between the residential and non-residential uses.

"TC" & "TCB" Town Center And Town Center Buffer Zones

The "TC" Town Center Zone does not permit professional or general business offices; however, retail shops and personal service uses generally are not viable uses on the second and third floors of a building. The only other permitted uses above the first floor are residential uses.

A few "use" variance applications have been submitted to the Borough Planning Board since the adoption of the "TC" zoning ordinance provisions seeking permission to locate offices on the floors above the first floor in buildings located in the "TC" Zone. In order to ensure a reasonable use of the buildings in the "TC" Zone, the Planning Board has found in these cases that offices should be permitted where the second floor is not viable for residential use.

The stated purpose of the "TC" Zone relative to land use is "to promote interest in the downtown area by encouraging a mixture of small-scale business uses which are pedestrian-oriented" and which "are intended to be compatible with and complement each other to create a pedestrian-oriented shopping environment". Residential uses are permitted to ensure a continued presence of residents in the "Town Center" after business hours.

In order to promote the viability and vitality of the Town Center area, it is recommended that general business office uses be permitted on the second and third floors of a building located in the "TC" Zone where either the size, access or other physical feature of the second or third floor precludes the floor from being used as a residential dwelling unit. However, no office uses should be permitted above a residential use or on a floor which could accommodate a residential dwelling. The determination of whether the building could not accommodate a residential use on the second or third floor would be made by the Borough Zoning Officer, based upon either a site inspection or to-scale floor plans of the entire building.

Additionally, the retail sale of beverages and liquor, if otherwise permitted, should be added to the list of permitted primary uses.

In the "TCB" Zone, a zoning provision requiring that all buildings be at least two (2) stories and twenty-eight feet (28') in height with a maximum height of three (3) stories and forty feet (40'), similar to the existing provision in the "TC" Zone, is recommended. Moreover, flat roofs should be prohibited for all new buildings in both zones.

Housing Plan Element

The Borough of Pennington adopted a "Housing Plan Element" on October 17, 1995. On June 6, 2002, the New Jersey Council On Affordable Housing (COAH) granted "Substantive Certification" to the Borough. 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, the later of which was reduced to twenty (20) units, thus leaving an "unmet need" of thirty-two (32) affordable housing units.

As noted in the report, the Borough of Pennington has addressed its housing obligation of twenty-nine (29) affordable housing units through construction and zoning. Additionally, an overlay zone on the Borough owned former landfill site is proposed to address a portion of the "unmet need" within an inclusionary mixed use development on that site, if and when the Borough Public Works Department vacates the site.

Since COAH has adopted its new rules, the Borough will be required to prepare and adopt a new "Housing Plan Element" to address its 2000-2014 affordable housing obligation.

Circulation And Sidewalk Plan Element

The Master Plan of the Borough of Pennington should reflect the position of the Borough regarding the possible future improvements to the cartway of State Highway Route 31. As voiced by the community at large during the public meetings held by Dodson Associates during the formulation of the "Route 31 Design Study" report, an undivided four (4) lane highway is not acceptable to Pennington Borough and the surrounding community.

The report proposes a number of different other alternative roadway improvements in Pennington Borough for consideration, including the following:

- A two (2) lane roadway with enhanced striping and medians at the signalized intersections for the safe crossing of pedestrians and bicyclists;
- A two (2) lane roadway with either a signalized intersection or a modern roundabout; or
- A four (4) lane boulevard with either a signalized intersection or a modern roundabout.

A small portion of the Borough, as well as the middle and high schools located in Hopewell Township and serving the students in Pennington Borough, are located west of State Highway Route 31. Therefore, safe pedestrian and bicycle accessibility across the highway are high priorities for any improvement plan to the highway.

The design of any roadway improvements to State Highway Route 31 should effectuate the goals and objectives of the Borough of Pennington. Specifically, these goals and objectives are as follows:

- Any improvements to State Highway Route 31 should not divert through traffic onto other roads through the Borough;

- Safe and convenient pedestrian access within designated crosswalks across State Highway Route 31 should be provided; and

- No left turning movements should be permitted onto State Highway Route 31, except at signalized intersections.

Additionally, improvements to the State Highway Route 31 intersection with Broemel Place are necessary to alleviate any impediments to emergency vehicle access to and from the Pennington Fire Company and Pennington First Aid Squad facilities on Broemel Place, east of the highway. An emergency vehicle signal, at minimum, should be erected at the intersection.

The Streetscape Committee's report recommends improvements to Main Street and Delaware Avenue to create a better alignment at the intersection of said roads and to facilitate the flow of traffic. Specifically, the report proposes that the cartway of North Main Street at Delaware Avenue be shifted to the east by eight and one-half feet (8.5'), maintaining a forty foot (40') width, and eventually taper back to the existing curb line by the first driveway intersection on the west side of Main Street. A left turn lane on eastbound Delaware Avenue at the intersection also should be provided with a separate lane for through and right turning traffic. For a complete understanding of the recommended improvements to Main Street and Delaware Avenue, the Streetscape Committee's report should be reviewed in its entirety.

With regards to pedestrian and bicycle circulation, the "Circulation and Sidewalk Plan" should be expanded to reflect the need for sidewalks along both sides of State Highway Route 31, with a four-way crosswalk at its intersection with West Delaware Avenue in concert with future roadway and intersection improvements to the highway. Either a designated bike lane or a bike path also should be provided within the right-of-way of the highway.

Other circulation improvements in the Borough should consist of connecting missing links in existing sidewalks and connecting sidewalks to existing or planned pathways, where feasible. As part of an approved development plan, the Pennington School has extended the sidewalk along the west side of Burd Street to create a continuous sidewalk along Burd Street.

Improvements to facilitate safe pedestrian crossings also are necessary at the intersection of Main Street and Delaware Avenue. Raised crosswalks, "Yield to Pedestrians" signs and other traffic calming measures, as recommended in the Streetscape Committee's report, should be incorporated to improve pedestrian safety.

Sidewalk along the north side of East Delaware Avenue should continue eastward to the Borough border with the Bristol Myers Squibb property. With a connection through the Bristol Myers Squibb property, the sidewalk should lead to the Lawrence Hopewell Trail along Pennington-Rocky Hill Road for pedestrian access.

Bicyclists will be able to access the Lawrence Hopewell Trail connection via the cartway of Delaware Avenue. Delaware Avenue has been designated through the Borough to its intersection with Federal City Road as a bicycle compatible roadway, as indicated in "Bicycling Mercer County: A Guide To Bicycling In And Around The Capitol County", which was prepared by the Greater Mercer Transportation Management Association with input from local cycling clubs and advocacy groups, the Delaware Valley Regional Planning Commission, Mercer County, the New Jersey Department of Transportation and various municipalities. Improvements to the northeasterly extension of East Delaware Avenue to its connection to the Lawrence Hopewell Trail are recommended in order to complete the safe bicycle accessibility of the roadway.

Utility Service Plan Element

The "Utility Service Plan" of the "1998 Master Plan" recommended that a Stormwater Management Plan for the entire Borough be developed to address the current and future storm drainage problems at a regional level.

A "Stormwater Management Plan" is now required under the recently adopted State stormwater rules at N.J.A.C. 7:8-4 to be an integral part of the Borough Master Plan. The "Stormwater Management Plan" is required to address "stormwater-related water quality, groundwater recharge and water quantity impacts of major development, and may also address stormwater-related water quality, water quantity and groundwater recharge impacts of existing land uses."

The regulations require that a "Stormwater Management Plan" be adopted by each municipality within twelve (12) months of the effective date of the authorization for a New Jersey Pollutant Discharge Elimination System permit obtained by a municipality for its separate storm sewer systems. Enabling ordinances also are required to be adopted twelve (12) months after the adoption of the "Stormwater Management Plan". Therefore, it is recommended that a separate "Stormwater Management Plan" element of the Borough Master Pan be prepared in the near future for adoption by the Planning Board to address this mandate.

Historic Preservation Plan Element

No changes to this Plan Element are proposed at this time. However, the recommendations of the "1998 Master Plan" to reevaluate the draft ordinance provisions set forth in the 1990 Historic Preservation Plan should be considered if it is the desire of the Borough to establish a local Historic District within its boundaries. This reevaluation also may necessitate a reexamination of the Historic Preservation Plan Element to ensure its compatibility with the recommendations of the Streetscape Committee.

Community Facilities, Recreation, And Conservation Plan Element

An "Open Space And Recreation Plan", dated October 2, 2000, was prepared for the Borough's participation in the New Jersey Department of Environmental Protection's Green Trust Planning Incentive funding program. Although the Borough Planning Board supported the application for funding from NJDEP, the "Open Space And Recreation Plan", which is not a Master Plan Element unto itself, has not been incorporated into the Borough's Master Plan.

Therefore, the Community Facilities, Recreation, And Conservation Plan Element of the "1998 Master Plan" is hereby supplemented by the "Open Space And Recreation Plan", found in Addendum II of this report. This plan proposes the establishment of a greenbelt around the Borough of Pennington in cooperation with Hopewell Township, the Friends of Hopewell Valley Open Space, the Delaware and Raritan Greenway, Mercer County and the State of New Jersey.

Also found in Addendum II is a memorandum from the Borough Open Space Board which expands on the information found in the Community Facilities, Recreation, And Conservation Plan Element. The memorandum includes recommendations for additional open space and recreation areas, such as "Baldwin Boulevard", a paper street between East Welling and Curlis Avenues, and the lands north of Baldwin Brook which are outside the Borough.

The memorandum also notes that five (5) water courses flow through or near the Borough, and riparian or stream corridor buffers to these water courses offer additional opportunities for open space preservation and passive recreation.

Although most of the lands through which the water courses in the Borough flow are developed, it is recommended that for any new development, a buffer along any water course or water body be required and protected with a conservation deed restriction. The buffer width should be a minimum of twenty-five feet (25') and should be vegetated if it is devoid of existing native plant material to reestablish the buffer. This buffer will not only serve as a protected open space area but it will help with water quality in the water course.

Regional Planning Considerations

This particular section of the "1998 Master Plan" deals with the "Village Center" designation for the Borough and the surrounding area. As discussed in the section of this report on the extent to which the identified problems and objectives have been reduced or have increased, the objective to designate a "Village Center" no longer is valid. This is especially true since there is little room to accommodate growth in the Borough, as evidenced by an average of 0.64 residential building permits per year issued between 1990 and 2003 (see Addendum I). Therefore, this section of the Master Plan should be considered outdated.

Borough Center Area Plan

There are no recommended changes to the Borough Center Area Plan at this time.

Other Recommended Changes To The Master Plan And Development Regulations

The "1998 Master Plan" recommended the adoption of development regulation revisions to implement the Master Plan proposals as well as a general updating and codification of the regulations. A general updating of the regulations has not yet been completed and continues to be recommended.

Since the Zoning Ordinance has been amended a number of times over the past years, some of the cross-referenced subsections of the ordinance have not been revised to be consistent with the amendments. Therefore, revisions to the Zoning Ordinance are needed to ensure compatibility between subsections.

Additional revisions to the Zoning Ordinance are necessary to address amendments in the Municipal Land Use Law, such as the requirements to permit licensed child care centers in all non-residential zoning districts and to permit various community residences and shelters in all residential zoning districts.

Moreover, the site plan and subdivision ordinance provisions lack specific standards to guide new development in the Borough. Provisions for site design standards for landscaping, lighting, and onsite parking should be developed. Additionally, to aid in the determination of statutory completeness of a submitted site plan and subdivision application, "checklists" of the required submission information should be developed and included in the ordinance and with the application forms.

Additionally, other development regulations should be added, refined or expanded to address issues which have surfaced since the ordinance was initially written or amended, such as the following:

1. A lot merger provision, consistent with the Doctrine of Merger and case law, should be added for contiguous lots under the same ownership where one or more lots do not meet the zoning requirements for lot area or lot dimensions;

2. A provision against the removal of top soil from lands in the Borough should be added;

3. In accordance with recommendations from the Borough's Zoning Officer, minor exterior changes to a structure, which do not expand the structure, should be exempted from site plan review;

4. The Zoning Officer has issued verbal and written reports recommending other ordinance revisions to address problems he has encountered when working with the ordinances of the Borough; and

5. The design standards for lighting, landscaping and other provisions recommended in the Streetscape Committee's report should be added to the "TC" and "TCB" Zones, at minimum, and considered for all other commercial development. Some of the recommended design standards to be adopted as part of the development regulations are as follows:

    - Sidewalks shall be a minimum of five feet (5') in width, composed of exposed aggregate concrete with standard scoring treatment, and ADA compliant;

- New utility service connections shall be installed underground;

- Street trees shall be planted forty to sixty feet (40'-60') on-center where none exist or where existing trees are in need of replacement;

- For commercial development in the "TC" and "TCB" Zones, an amenity area at least two feet (2') in width and in concert with the design recommendations in the Streetscape Committee's report shall be provided between the sidewalk and the curb, which shall contain street trees, street furnishings and street lights to be furnished and maintained by the property owner;

- Street lighting shall be provided at sixty feet (60') on-center in the "TC" and "TCB" Zones and shall be of a uniform ornamental style with a recessed light focused downward; and

- All off-street parking spaces associated with commercial uses should be screened from view of the adjoining properties and public rights-of-way by plantings five feet (5') in height.

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.

ADDENDUM I

Residential Building Permits Issued, 1990-2003

RESIDENTIAL BUILDING PERMITS ISSUED, 1990-2003
BOROUGH OF PENNINGTON

Year	Total Permits (All Single-Family)
1990	0
1991	0
1992	0
1993	0
1994	0
1995	0
1996	0
1997	1
1998	2
1999	1
2000	3
2001	1
2002	0
2003	1
Totals:	**9**

Annual Average Building Permits Issued = 0.64 permits/year

Note: Only one (1) single-family residential building permit has been issued from the beginning of 2004 through the end of August, 2004.

SOURCE: N.J. Department of Labor, Annual Building Permit Summaries And U.S. Bureau of the Census, "Residential Housing Units Authorized By Building Permits".

ADDENDUM II

Supplements to the Community Facilities, Recreation, And Conservation Plan Element

BOROUGH OF PENNINGTON
OPEN SPACE AND RECREATION PLAN

Executive Summary

The Borough of Pennington plans to work in collaboration with Hopewell Township, non-profit land preservation organizations, Mercer County, and the State to create a greenbelt of permanently protected open space around the Borough. This Open Space and Recreation Plan is based directly on key goals of the Borough's Master Plan.

GOALS AND POLICIES

The Open Space and Recreation Plan (OSRP) is an extension and elaboration of ideas already set forth in the Borough's 1998 Master Plan. Most importantly, the Master Plan establishes as one of its six goals the maintenance of Pennington as a primarily residential community, and elaborates that open space and recreational areas, both public and private, should be preserved and enhanced, with linkages to nearby preserved areas. The Master Plan goals also emphasize that the Borough should work with Hopewell Township and community service groups to preserve open space areas surrounding the Village Center, with the aim of preserving natural breaks in development around the Borough that contribute heavily to its distinctive historic village character. The OSRP Plan is presented as an elaboration of these Master Plan goals and as a vehicle for soliciting public input on how those goals should be realized. Residents of the borough supported the idea that open space preservation and the recreation it offers are important, by voting to adopt an open space tax. Citizen input on the OSRP will help guide how those and other resources can be used to most effect.

The specific goals of the Borough's OSRP are to advance the broader Master Plan by acting in concert with Hopewell Township, Mercer County, the State of New Jersey, and local non-profit land preservation organizations to:

(1) Create and maintain a permanently protected greenbelt of open space around the Borough, to the maximum extent possible

(2) Preserve the historic village character of Pennington, which depends on the maintenance of a rural landscape on the Borough's boundaries

(3) Increase the range of passive recreational opportunities on permanently protected tracts of contiguous open space adjacent to or near the Borough

(4) Create and enhance linkages which allow pedestrian access to those open space recreation opportunities from multiple points within the Borough

INVENTORY OF OPEN SPACE AND RECREATION RESOURCES

Within the Borough of Pennington there are just two parcels of permanently protected open space, totaling 8.65 acres. Kunkel Park (7.59 acres) lies in the northeast corner of the Borough, and offers swing sets and picnic space, as well as a link to open space outside the Borough. The Sked Street mini-park (1.06 acres) offers a quiet spot for families and small children to play safely outdoors. Neither park by itself offers extensive open space for the kind of exercise and relaxation that long country walks make possible.

By virtue of the Borough's location near existing open space lands, however, there are many opportunities to expand the open space and recreation opportunities available from within the Borough. For example, Kunkel Park can be linked along the Stony Brook to the protected lands of the Stony Brook-Millstone Watershed Association, and ultimately connected by footpaths to Hopewell Borough. Preserved lands just outside the southern border of the Borough now allow access from South Main Street to Mercer County Park lands, and footpath access to Curlis Lake, the County Equestrian Center, and from there to Rosedale Park. There is the potential for footpaths that would connect Rosedale Park along the Stony Brook back to East Delaware Avenue, and on to Kunkel Park.

NEEDS ANALYSIS

The Borough's existing open space within its boundaries clearly cannot on its own provide room for expansion of open space and open space recreation. The only feasible strategy is for the Borough to work with other agencies and non-profit groups to expand permanently protected and preserved open space outside the Borough.

RESOURCE ASSESSMENT

A broad band of undeveloped land, some already preserved and much of it not preserved, extends around Pennington Borough and offers substantial opportunities for progress towards the OSRP goals. Specific parcels of land will be identified as potential preservation opportunities through communications with landowners who have an interest. Analysis of tax maps suggests, however that preservation transactions could be negotiated in ways that would enhance the Mercer County Park lands to the east and southeast, solidify and expand the corridor leading towards the Watershed lands, possibly develop a broad open space buffer to the northwest of the Borough, and create links to the west towards recreation fields being developed by the Township and open space corridors being created leading towards the Delaware River.

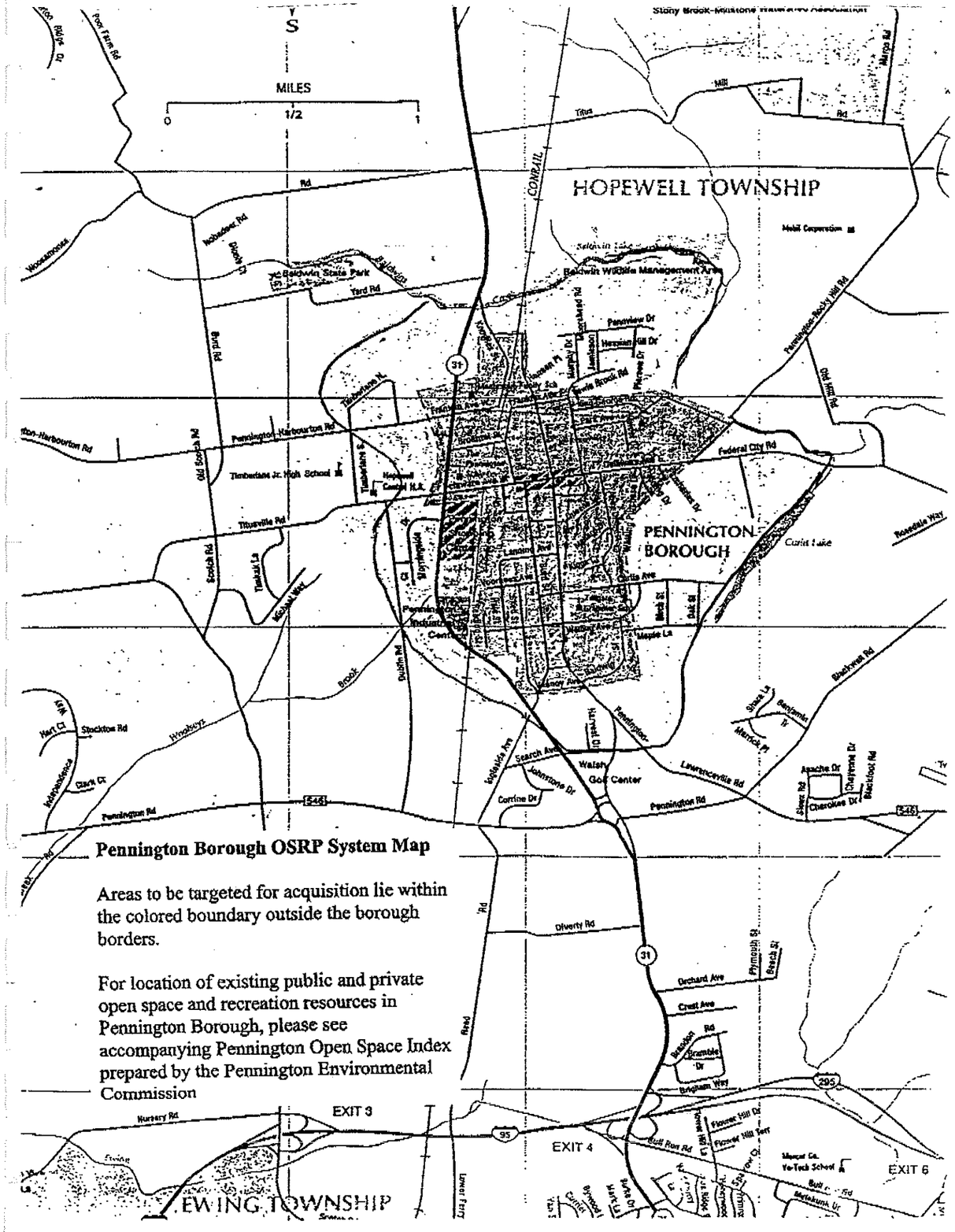
ACTION PLAN

The Borough's strategy will be to work in concert with partners in the Hopewell Valley that are already actively identifying land preservation opportunities, interested landowners, and financial arrangements that can satisfy the public's interest in land preservation and landowners' legitimate interest in realizing a fair return for their land. The Borough will work closely with Hopewell Township, the Friends of Hopewell Valley Open Space, the Delaware and Raritan

Greenway, Mercer County, and the State of New Jersey. The Borough will be open to participating in transactions that might entail purchase of land in fee simple from owners, as well as transactions in which land is preserved through the conveyance of conservation easements. It expects that land preservation transactions will typically involve a combination of resources contributed by the Borough and these partners.

Rather than identify specific parcels that would be targets for preservation, the Borough prefers to follow up on opportunities that are consistent with the overall goals of the OSRP. Identifying specific parcels would be unrealistic, since the voluntary interest of landowners in the area must be first be engaged. Moreover, identifying specific parcels in the absence of landowners' expressions of interest could be perceived as coercive or alternatively might weaken the bargaining position of the partners who are negotiating preservation deals.

The plan of action will be guided by two major documents. First, the accompanying map showing the proposed Pennington Greenbelt provides a broad guideline for determining whether land preservation opportunities will contribute to the overall OSRP goals. Second, the Borough will take into account the Hopewell Township Open Space plan, much of which relates to lands in the vicinity of the Borough. The Township plan is also important because it sketches out the potential for major corridors of open space through central New Jersey to which Pennington's open space links can ultimately connect.



Pennington Borough OSRP System Map

Areas to be targeted for acquisition lie within the colored boundary outside the borough borders.

For location of existing public and private open space and recreation resources in Pennington Borough, please see accompanying Pennington Open Space Index prepared by the Pennington Environmental Commission

TO: Pennington Borough Master Plan Committee

SUBJECT: Open Space and Recreation

A distinctive characteristic of Pennington Borough is its setting in a rural landscape.

To the east, from Route 31 on the north to the Pennington Lawrenceville Road on the south, this landscape is reasonably well protected by a combination of public lands and private land likely to be conserved. Baldwin Lake, the Stony Brook Millstone Watershed Association, Bristol Myers- Squibb, the Old Mill Dam site, Northwest Mercer County Park (including Rosedale Park and the Mercer County Equestrian Center) and Curlis Lake and the Beechwoods provide an almost unbroken greenbelt.

The Borough is not so well protected to the south where high density development is planned or proposed.

The western side of the Borough presents a mixed picture. The rural lands are rapidly filling with large homes on 2 to 6 acre lots. A major exception is the Regional School properties. Route 31 forms the apparent western boundary of the Borough although Borough land extends to the west beyond the highway. Northwest of the Borough is a tract of open land approved for fairly high density development, if and when it is sewered. Further north, highway frontage development is a distinct possibility.

The Borough should actively participate, in cooperation with Hopewell Township, in a program of open space preservation. There are significant State, County and NGO partnerships eg. Friends of Hopewell Valley Open Space, Stony Brook Millstone Watershed Association and ther Raritan Delaware Greenway, eager to help in this effort. The Borough should also capitalize on some unique open spaces, under its control, which can be used to help finance open space acquisition. These include the land acquired from Hopewell Township north of North Main Street and the Old Mill Dam site. The lands north of Baldwin Brook should be designated as open space as should the 4.4 acre Stony Brook dam site.

BOROUGH OPEN SPACE

The open space within the Borough is primarily associated with schools, office complexes, cemeteries and two Borough Parks. Arial Photographs from 1953-2004 clearly show that most of the available land has been developed. The most significant open tracts remaining are Fuld Park (12.9 acres) and the Borough landfill (6 acres). There are 2.7 acres of Borough land north of Redding Street which have a potential use as a neighborhood park.and "Baldwin Boulevard", the paper street from East Welling to Curlis should also be preserved as open space.

RECREATION

Kunkel Park (7acres) is available for both active and passive recreation. It adjoins Lewis Brook and Stony Brook affording access to walking trails along the brooks to Baldwin Lake. These trails are expected, eventually, to reach Hopewell Borough.

Playground equipment (swings slides and jungle gyms) and a large sand box are attractions for younger children. A covered pavilion provides shelter and is used for concerts and art classes organized by the Parks and Recreation Commission. The other principal location for organized events is "Howe Common", a large open area on South Main Street, which is part of the Pennington Professional Center. The mini park on Sked Street has playground equipment for younger children and both Kunkel Park and the Sked Street Park have slopes suitable for sledding in the winter.

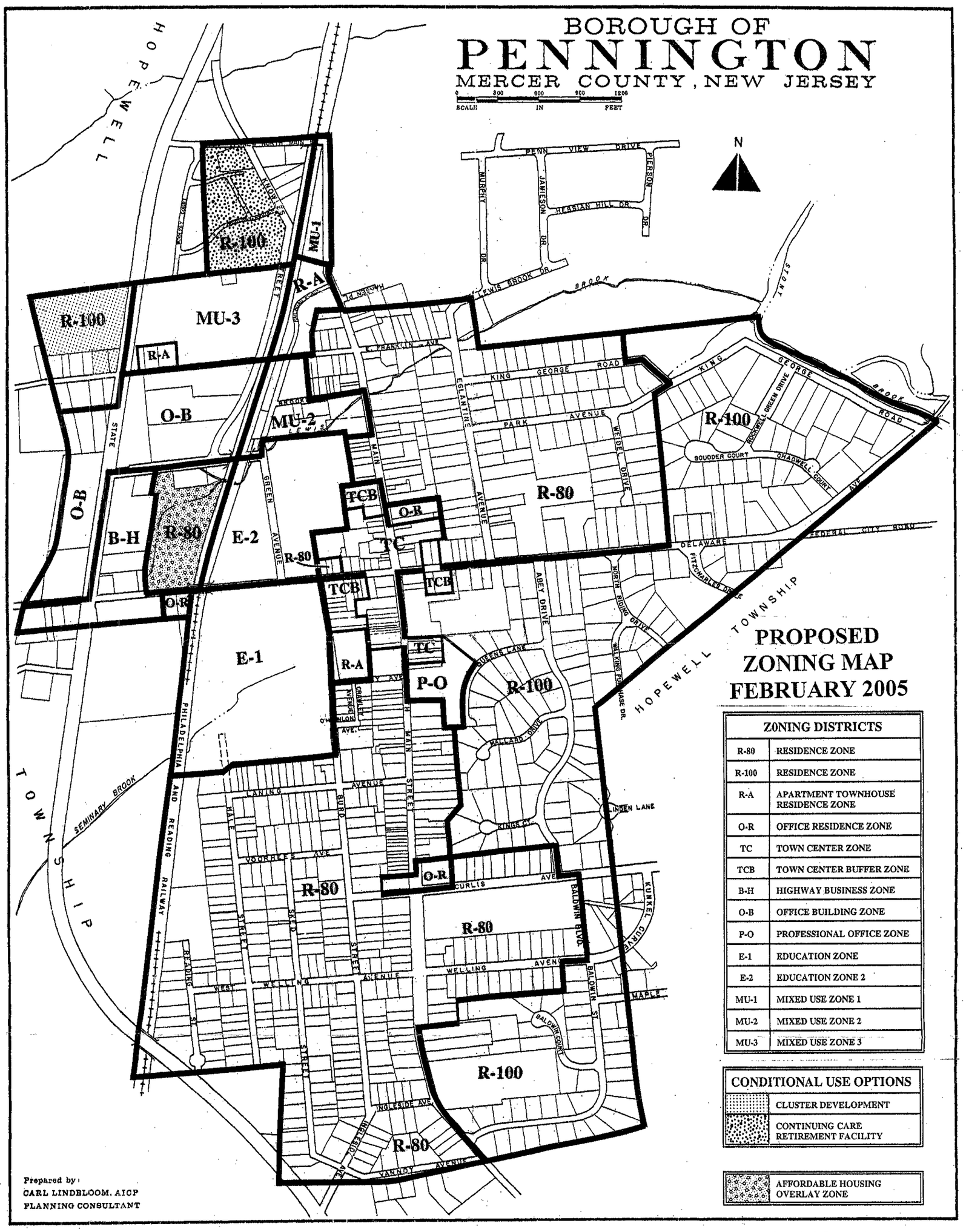
Pennington will include a portion of the planned bike path which is to connect Princeton, Lawrenceville, Pennington, Hopewell Township and Hopewell Borough.

Pennington is fortunate that the Pennington School and the Regional Schools allow the use of their playing fields and other facilities for community organized sport programs. The Pennington Churches also make their facilities available for community use.

Pennington has a community Library which, in addition to its other functions, supports reading and activity programs for younger children.

RIPARIAN BUFFERS

The State is actively pursuing legislation to protect critical water sources. Substantial riparian buffers are proposed for this purpose. Pennington has five water courses flowing through or abutting the Borough, Stony Brook, Lewis Brook, Baldwin Brook, Seminary Creek and the tributaries to Curlis Lake. The buffers to these streams create additional opportunities for open space preservation and passive recreation.



PROPOSED ZONING MAP FEBRUARY 2005

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

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