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# 2023 MASTER PLAN REEXAMINATION REPORT

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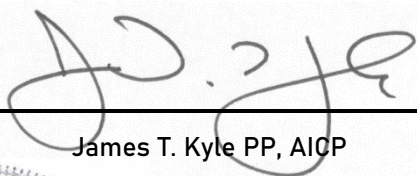
Borough of Pennington  
Mercer County, New Jersey

April 17, 2023

ADOPTED BY THE PLANNING BOARD ON \_\_\_\_\_

The original of this document was signed and sealed  
in accordance with N.J.S.A. 45:14A-12

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## INTRODUCTION

The municipal Master Plan, adopted by the Planning Board, sets forth the Borough's land use policies and is the principal document that addresses the manner in which development, redevelopment, conservation and/or preservation should occur within the municipality. It is intended to guide the decisions made by public officials and those of private interests involving the use of land. Further, the Master Plan, and more specifically its goals and objectives, are critical to the Planning Board when deciding upon development applications where variance relief is requested. Through its various elements, the Master Plan sets forth a vision for the community in the coming years.

The Master Plan forms the legal foundation for the zoning ordinance and zoning map. New Jersey, among a handful of other states, specifically ties the planning of a community as embodied in the Master Plan to the zoning ordinance and zoning map, which are adopted by the Borough Council and constitute the primary law governing the use of land at the local level. Under New Jersey's Municipal Land Use Law N.J.S.A. 40:55D-1 et seq., (hereinafter "MLUL") a zoning ordinance must be substantially consistent with the land use plan.

A Reexamination Report is a review of previously adopted Master Plans, amendments, reexamination reports and local development regulations to determine whether the ideas and policy guidelines set forth therein are still applicable. Under the Municipal Land Use Law, the Planning Board must conduct a general reexamination of its Master Plan and development regulations at least every ten years. The Municipal Land Use Law now includes a provision allowing a municipality to waive the reexamination requirement through a determination by the State Planning Commission and the municipal Planning Board that the municipality is built out, defined as there being no significant parcels, whether vacant or not, that currently have the capacity to be developed or redeveloped. While the Borough is almost entirely built out for all intent and purposes, the desire is to assess current planning policy to ensure it achieves desired outcomes.

A Reexamination Report must include the following components (N.J.S.A. 40:55D-89):

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

changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

- f) The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts and, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

A Reexamination Report may contain recommendations for the Planning Board to examine certain land use policies or regulations or even prepare a new Master Plan. Alternatively, if the recommendations set forth in the Reexamination Report are themselves substantially in such form constituting an amendment or addendum to the Master Plan and adopted in accordance with the procedures prescribed by the MLUL for adoption of a Master Plan, it can be considered an amendment to the Master Plan.

This Reexamination Report includes all required components pursuant to the Municipal Land Use Law and is based upon review of the 2013 reexamination report prepared by the Board. While a reexamination was prepared in 2014, it focused primarily on the MU-3 district and functioned more as an amendment to the land use plan than a reexamination of policy and past issues.

## **PAST PLANNING EFFORTS**

The Borough of Pennington has undertaken several planning efforts over time and adopted various planning studies, including:

- 1998 – Master Plan
- 2005 – Master Plan Reexamination
- 2010 – Historic Preservation Master Plan Element
- 2013 – Master Plan Reexamination
- 2014 – Land Use Plan Amendment: Supplemental Modifications to the September 2013 Master Plan and Development Regulations – Periodic Reexamination Report
- 2015 – Open Space and Recreation Plan

### **A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report**

The 2005 and 2013 Reexamination Reports 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.
  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 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 was found unnecessary 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 the requirements for the residential zoning districts 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 were 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 adoption of zoning provisions for a mixed use inclusionary development on the former landfill site owned by the Borough.

#### Specific Changes Recommended for the Master Plan and Development Regulations

A number of changes were recommended to the Borough's Master Plan and development regulations, which can be seen as part of the major problems and objectives identified in the 2013 Master Plan Re-Examination including:

- 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.

The 2014 Land Use Plan Amendment: Supplemental Modifications to the September 2013 Master Plan and Development Regulations – Periodic Reexamination Report:

- In order to provide a realistic opportunity for the development of the "MU-3" (Mixed Use) zoning district and the required affordable housing component, it is recommended that the provisions of the "MU-3" zoning district be revised to allow for a broader and more suitable type of development on the thirteen (13) acre tract of land that accounts for all the "MU-3" zoned land except for a small municipally owned utility lot.
- Because Capital Health Care Systems no longer plans to retain ownership of the site and develop it with medically related land uses, health care facilities and medical staff residences no longer are viable uses for the site and should be eliminated from the "MU-3" zoning provisions. Additionally, the permitted non-residential use for assisted care living should no longer be included as a permitted use, because an assisted living facility was constructed a number of years ago directly across State Highway Route 31, and it is unlikely that a second such facility would be a reasonable use on the thirteen (13) acre site.
- Without the medical components of the permitted non-residential uses, the currently permitted office uses most likely would not be viable and are not a compatible land use with the required residential component of the mixed use development.
- Moreover, the topography of the site makes it difficult, if not impossible, to have direct vehicular access to State Highway Route 31. Without a medical campus or other large-scale, integrally designed campus with its own internal circulation system providing access to individual uses, most individual non-residential uses could not function without direct access to the highway.
- Therefore, it is recommended that the permitted land uses for the entire "MU-3" zoning district consist of residential uses, municipal facilities and common open space. The residential uses should be comprised of a maximum of forty (40) single-family attached units and a maximum of forty (40) age-targeted single-family attached units, for a maximum total of eighty (80) dwelling units and with twenty percent (20%) of the total units set aside for occupancy by eligible "low" and "moderate" income families. At least fifty percent (50%) of the total number of dwelling units shall be age-targeted. A maximum density of six and one-quarter (6.25) dwelling units per acre should be established.
- No dwelling unit should contain more than three (3) bedrooms, and age-targeted single-family attached dwelling units should be required to have the master bedroom on the first floor. The non-age-targeted single-family attached units should be townhouse units, except that the smaller affordable housing units may be one above the other but within a townhouse building.
- Passive and/or active recreation facilities should be provided in the development for a gathering place for all residents. Good pedestrian circulation, both within the development and connecting to other areas of the Borough, is imperative. Both pedestrian and vehicular circulation should be continuous throughout the development.



- Townhouses should be at least twenty feet (20') wide but no wider than twenty-six feet (26'), with a maximum of eight (8) units per building. No age-targeted dwelling unit should exceed thirty-five feet (35') in width, and no more than four (4) units should be attached in any one (1) building. The maximum size and height of each unit should be consistent with the residential character of the rest of the Borough, with market rate ranging in size from 1,600 to 2,400 square feet.
- The rear of any dwelling unit should not face any Borough road unless sufficiently buffered, and the development of the "MU-3" zoning district should enhance the existing streetscape along Knowles Street and West Franklin Avenue. Along State Highway Route 31, adequate landscape buffering at least fifty feet (50') in depth should be provided between the highway and any development in the "MU-3" zoning district. Similarly, adequate landscape screening should be provided between the Pennington Pointe age-restricted residential development to the north and the subject residential development, where necessary. Existing vegetation shall be retained along the tract boundary to the greatest extent possible.
- Regarding distances between buildings, it is recommended that buildings be set apart an adequate distance for sufficient emergency access. Front yard setbacks should be adequate to provide off-street parking in front of units in accordance with the Residential Site Improvement Standards.
- In order to maximize common open space areas and provide sufficient landscaping throughout the development, any fee simple lots should be coterminous with the dwelling footprint except for small rear and front yard areas. Strong architectural controls governing the appearance of the dwellings and lots should be included in any homeowners' association documents and/or lease agreements. All land area outside the small fee simple lots shall be common open space, which shall be attractively landscaped and maintained by the homeowners' association for the benefit of the entire development.
- And most importantly, the entire thirteen (13) acre land area in the "MU-3" zoning district should be planned, designed and approved as a single entity with a common architectural theme.
- The drafters of any implementing ordinance provisions for the new "MU-3" zoning district should be guided by the specific recommendations in the Amendment, but it is understood that the dimensions, distances and other similar bulk standards set forth herein are not final and may be modified once an acceptable concept plan has been presented to the Borough for its consideration.

**B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date**

Since the Borough's last reexamination reports in 2013 and amendment of 2014, the extent of some problems and objectives has either been reduced or increased while some remain unchanged. Each is reproduced from Section A above with comments noted below.

**Goals and Objectives**

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.).*

Generally, this goal and its objectives have been consistently applied over the reexamination period and remain valid going forward. Besides the Heritage development described below, new residential development has been limited and there has been no intrusion of nonresidential uses in residential areas. What residential development has occurred has been generally consistent in scale and character, although some floor area ratio variances have been granted in residential zones.

As described below in the 2014 Land Use Plan Amendment: Supplemental Modifications to the September 2013 Master Plan Reexamination Report, the area of the Borough dedicated to residential use was increased by converting the land used by American Properties to develop The Heritage at Pennington from MU-3 (Mixed Use) Zone (which was eliminated) to MR (Mixed Residential Zone). American Properties and the Borough Planning Board and Council worked closely together to ensure the development fit into the residential character of the Borough. The timing of the development coincided with plans to expand the SBRSA sewage plant capacity and the development is connected to the Borough sewer system. The completed Heritage development is managed by a condominium association.

Council was concerned about deteriorating vacant properties close to occupied residences and businesses, creating public health problems, reducing the property values of neighboring properties and diminishing the quality of life for residents and business owners. In December 2017 Council adopted Ordinance 2017-19 concerning registration and maintenance of vacant properties. It defined abandoned properties and evidence of vacancy and prescribed the process of registration and the obligations of the owner to secure the building against unauthorized entry and to maintain buildings and land. Penalties for non-compliance were defined.

Also of concern to Council was the growth of short-term rentals over the internet, and how some had created noise and other problems for residential neighborhoods. There were no regulations in place other than the noise ordinance, and nothing to limit the number of people that could be accommodated or the duration of the rentals. In May 2022, the Council adopted Ordinance 2022-8 to regulate short-term

rentals of residential properties. A one-year renewable permit from the Borough is required for short-term rentals, subject to the requirements of the ordinance. The ordinance specifies occupancy limits, record keeping, responsibilities of the owner and the primary renter, and a procedure for addressing complaints.

A supplement to the Master Plan, the Open Space and Recreation Plan (OSRP), was adopted in March 2015. This comprehensive document, available on the Borough website, revised the initial plan adopted in 2000 and was prepared by the Borough's Open Space Committee. The specific goals are to advance the broader Master Plan by acting in concert with Hopewell Township, with Mercer County, with the State of New Jersey, and with local non-profit land preservation organizations such as the Friends of Hopewell Valley Open Space, D&R Greenway Land Trust, and the New Jersey Conservation Foundation, to:

1. Create, expand, and maintain a permanently protected greenbelt of open space around the Borough, to the maximum extent possible, by preserving additional land to create a more complete greenbelt, and land that can create greenway corridors to the Borough.
2. Preserve the historic village character of Pennington, which depends on the maintenance of a rural landscape on its boundaries and along roads leading to and from the Borough.
3. Increase the range of passive recreational opportunities on permanently protected tracts of contiguous open space adjacent to or near the Borough.

The Borough's one cent Open Space Tax is an important source of revenue for open space acquisition and for enhancing recreational facilities within the Borough. For open space acquisition, the Borough takes advantage of NJ Green Acres grants and Mercer County Municipal Assistance grants without having to provide required matching funds. This practice has allowed the Borough to build up its open space fund. The Borough considers this fund as a strategic asset that can be used to leverage State and County funds and funds available from non-profit partners.

In 2014, one year after acceptance of the 2013 Master Plan Reexamination, the Pennington Connection was completed, providing access to the multi-purpose Lawrence-Hopewell Trail (LHT), a 22-mile loop trail suitable for walking and biking, which extends through sections of Hopewell and Lawrence Townships. Of particular benefit to Pennington is the trail's connection to Rosedale Park and Mercer Meadows. The Open Space and Recreation Plan Element (OSRP) presented a thorough inventory of open space, woodlands, parks, recreational properties and amenities in and around Pennington in 2015.

In 2016, the Borough participated in the purchase of the Brown property on Pennington-Titusville Road and the Carter Road property. Within Pennington, in 2019, the Borough authorized the purchase of 2.8 acres behind Toll Gate School from the Hopewell Valley Regional School District to create an Arboretum. Work is ongoing to enhance the site. In 2021, the Borough purchased 0.57 acres at the rear of 417 South Main Street (the historic Toll Gate House) to provide a buffer for, and enhance access to, the Pennington African Cemetery, which had been added to the Pennington Crossroads Historic District by ordinance in 2018.

Open Space funds are also used for maintenance, repairs, new equipment, and upgrades at the Borough's two public parks, Kunkel Park and Sked Street Park. The funds have also been used since 2020 to support a deer management program for the Borough. The deer population was determined to be ten times sustainable levels and was creating significant health hazards such as Lyme disease and car crashes. The deer congregate within and outside the Borough borders and forage throughout the Borough. Pennington has hired two experienced hunters to harvest deer in and around the Borough using crossbows.

Finally, on a recreational activity not related to open space, the Council has been working to find a suitable site for the rapidly growing sport of pickle ball, which has many adherents in the Borough. An initial site approved in the parking lot of the Senior Center on Reading Street was closed because of complaints from neighbors about the noise and lights. Pennington School allowed the temporary use of part of their tennis courts on West Delaware Avenue during the winter. However, a permanent site has yet to be found.

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.*

The Borough has been maintained as a mixture of uses, with highway-oriented businesses along Route 31, mixed-use in the Main Street and Delaware Avenue areas and discrete surrounding residential districts.

Hopewell Township, Hopewell Borough and Pennington Borough have been working on the concept of a senior and community center for many years. Early efforts focused on finding a suitable, available site acceptable to all parties. Meanwhile, the Senior Center on Reading Street in Pennington continued to function. Since the Senior Center building and parking lot were in a state of disrepair, in 2018 it was decided that renovation was needed. Funding was secured and work started in 2019 and the Center reopened in 2020. In 2020, Hopewell Township published an RFP for design concepts for a Senior and Community Center to be built on a 15-acre lot off Reed Road. The eastern edge of the lot is adjacent to the 44-acre Zaitz tract, which is being developed by US Home at Hopewell Urban Renewal LLC into a 379-home subdivision. The developer has added ~1.5 acres adjacent to the Reed Road tract to the Community Center lot. The RFP calls for a Senior Center, a Community Center, a Fitness/Wellness Center and 10,700 sq. ft. of space for the Hopewell Valley Regional Board of Education offices, which will move from their current building at 425 South Main Street in Pennington.

There has been no substantial progress on the Borough Center Area Plan Element since 2013/2014.

In 2017, it was decided that the 22-year-old Borough Hall should be renovated. The HVAC system needed to be replaced and the best way to access it was through the roof, which would need to be replaced. Windows needed to be replaced. There was a need to create more storage space and the Police Department facilities needed a significant overhaul. Improvements were needed to the kitchenette, restrooms, municipal offices, council chambers, courtroom office, violations bureau, construction office, library, public hallway, and ADA compliance. It was decided that it would not be cost-effective to try to make the changes individually and Bond Ordinance 2017-4 was approved to raise funds for the work. Architectural options were presented in 2019 and a Citizens Committee was convened to review the options. Engineering work commenced soon after and the renovations were completed in 2021.

The Economic Development Commission expressed concerns that Pennington is not a restaurant-friendly town and that it is expensive and difficult to open a restaurant in the Borough. They are trying to be proactive on the economic health of the Borough and feel that the current millennial environment is very restaurant focused. Vibrant economic downtowns often have a variety of restaurants. The Commission recognizes the balance between protecting the infrastructure and the ordinances in place when opening a restaurant but asked what could be done to help. After the Covid lockdowns began, Council permitted outdoor dining. This has continued and may encourage people to dine in the Borough center. There are several restaurants in the Route 31 business area. Cugino's purchased the Borough's liquor license for use in their new BORO Market Restaurant/Bar. In support of retail businesses the borough also allowed curbside pick-up for products purchased remotely.

In early 2018, the Applications Review Committee (ARC) was asked to look into whether the Town Center Buffer (TCB) Zone still served a useful purpose. The Ordinance establishing the TCB dated back to 2001. The general feeling was that it was no longer necessary, but there was no consensus on what the zoning regulations should become for the properties in the TCB Zone. The ARC report was discussed at the Planning Board Meeting on March 14, 2018, and the comprehensive discussion was recorded on over 3 pages of the minutes of that meeting. The recommendation was that this issue should be looked at as part of a reexamination of the Master Plan. The Planning Board should revisit this issue, taking as its starting point the discussion in its March 14, 2018, minutes. There is also a concern that the Town Center Buffer regulations may conflict with the Historic Preservation Ordinance. What is allowed in the Town Center Buffer may not be approved by the Historic Preservation Commission.

At the March 11, 2020 Planning Board meeting, the Zoning Officer brought up a problem with the Town Center Zone regarding space being used as offices. Part of the issue was that landlords do not like vacant stores. They would be happy to rent retail space as an office since one vacant space leads to another. Whether or not it is an office, the Zoning Officer feels that it is a benefit to the town to try to keep momentum by having the stores occupied. The other school of thought is that storefronts in the TC Zone should stay retail because retail feeds on retail. The

Zoning Officer feels that the Master Plan Reexamination should include a recommendation to review whether the Town Center Ordinance allowable uses could be expanded. This should be considered by the Planning Board and the Economic Development Commission.

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.*

Borough Code, Chapter 119 Historic Preservation, adopted in 2011 following the 2010 publication of the Historic Preservation Master Plan Element, identifies the Borough's historic districts and sets forth standards for review by the Historic Preservation Commission. The purpose of the ordinance is to protect primary structures and it was written to minimize inconveniences for residents. Street signs have been erected to indicate the boundaries of the Historic District. In 2018, the Historic Preservation Commission received a Certificate of Eligibility from the State of New Jersey, Department of Environmental Protection. It was determined that the Pennington Crossroads Historic District is eligible for listing in the New Jersey National Register of Historic Places for its significance in community development, and in its architecture and archeology. The Pennington African Cemetery is included as a contributing but non-contiguous resource to the district. This is one of the steps that the Historic Preservation Commission has been working on towards obtaining the Certified Local Government Certification.

Nine properties in the district could have been demolished if the Borough had not had the ordinance in place. A significant achievement was the work of the Commission to ensure, in 2014, the preservation and repurposing of the Pennington School's historic Lowellden building which needed to be relocated as part of a development project. Renamed the Wesley House, the building is now located on West Delaware Avenue. The Commission would like to create the Historic District as an overlay zoning district as part of a Master Plan update. The Historic Preservation Commission is working on a revision of its 2010 Master Plan element.

Nonresidential building design guidelines were never incorporated into the site plan ordinance.

A shade tree nursery was not established, nor were utility wires relocated underground.

Through traffic and pedestrian safety and access remain a concern. Sidewalks in the area of Main Street and Delaware Avenue were improved under the Streetscape project, as described elsewhere in this section.

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.*

This goal and its objectives have remained unchanged. Route 31 remains the focus of regional and highway-oriented business uses, and the center continues as a mix of residential uses and village-type businesses. Pedestrian linkages between the two business areas remain as they were in 2013, although the pedestrian environment near Main Street and Delaware Avenue has been improved.

Recently, three banks in Pennington Borough have closed. Branches of TD Bank and Wells Fargo on the east and west sides of Route 31 closed and were offered for lease. The Planning Board has approved an application to convert the TD Bank to a Starbucks coffee shop. There is no action on the Wells Fargo site, which may be a redevelopment opportunity. The site is ~2.4 acres and the building is very much designed as a bank, so it may be difficult to convert to another use. In the Borough Center, the OceanFirst Bank branch closed, and the site is now occupied by Princeton Coin.

The first licensed cannabis retailer in Pennington, Jersey Meds, has been approved for a shop in the Pennington Square Shopping Center on Route 31. A Goodwill donation center filled the space vacated by a convenience store. As mentioned earlier, the Borough's first liquor license was purchased by Cugino's for its BORO Market Restaurant/Bar on West Delaware Avenue. Potential business uses of the landfill site are of interest to this area and decisions are on hold until the environmental study is complete.

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.*

While the Borough has worked cooperatively with surrounding communities on regional issues, particularly community facilities and shared resources, additional efforts are needed. The Borough has been working with Mercer County on a Hazard Mitigation Plan. It is acting on its own for stormwater management although areas of Hopewell Township close to the Borough have an impact on water flow in and out.

Pennington and Hopewell Boroughs are both surrounded by Hopewell Township, and it is in their interest to work closely with the Township in many areas. Pennington Borough and the Township have several agreements in place, such as the Senior Services Coordinator funding, emergency and police dispatch, basic life support services, fire inspection services, the Green Team, and the Hopewell Valley Municipal Alliance. They have also worked closely on Open Space purchases and on the



Pennington connection to the Lawrence-Hopewell Trail as summarized in item 1 above. In ongoing discussions on the proposed Hopewell Valley senior center and community center, Hopewell Township, Hopewell Borough, Pennington Borough and the Senior Advisory Board have not always seen eye-to-eye. However, as described in item 2 above, this may be nearing resolution.

Pennington and Hopewell Township have worked together on Route 31 traffic and safety issues. They have not always agreed but have generally worked to influence NJ DOT on safety issues. The Borough prevailed over the Township on the speed limit on Route 31 in the Borough which is set at 35 mph rather than the Township's preferred 40 mph. The Township supports a full traffic light at Ingleside Avenue and Route 31, to assist pedestrian and bicycle crossings. In 2015, the Pennington Borough Council unanimously adopted a resolution opposing full traffic light signalization at the intersection of Ingleside Avenue and State Route 31. An application to the Township for a CVS pharmacy on the southeast corner of that intersection was opposed by the Borough. CVS has now found a new site on Washington Crossing Road.

In 2022, in response to the incorporation of the Great Western Bikeway into Pennington Borough and that biking and pedestrian access to recreational areas throughout Mercer County is consistent with the Pennington Borough Master Plan Open Space Element and is a public benefit to the residents of Pennington Borough, Pennington Borough Council adopted another resolution opposing the substitution of a full traffic signal for the flasher-type signal at the intersection of Ingleside Avenue and Route 31 until a traffic study demonstrates that the installation is the best possible alternative to improve the safety of the intersection and that it would have a neutral or de minimis effects to the traffic on borough streets.

#### Additional Land Use Planning Problems

1. *The Designation of a "Village Center": This designation was found unnecessary 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.*

The current State Plan Policy map shows the entirety of the Borough as Planning Area 3, therefore this concern was addressed.

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 the requirements for the residential zoning districts be reexamined.*

The Borough amended floor area ratio standards in 2011 (Ordinance 2011-5) for residential districts, limiting total floor area by zone. The Planning Board has seen



a few applications for floor area ratio variances, some of which were approved. Given the relief sought, these standards should be reviewed again, as the problem continues. In addition, over the last ten years, the Zoning Officer has recommended several changes to simplify, clarify or modify parts of Chapter 215 Zoning of the Borough Code. These are summarized in Section D below and will need to be addressed by the Planning Board.

3. *The State Highway Route 31 Corridor: A "Route 31 Design Study", dated December 2002, detailed design guidelines for the corridor and for roadway 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.*

Certain improvements to the roadway have been constructed along the Route 31 corridor since the time of this recommendation. The intersection of Route 31 and West Delaware Avenue now has left turn lanes in all four directions and left turn traffic lights. The lights also allow pedestrian crossings, although there is still a risk of pedestrian conflict with cars turning left or right on a green light and with cars turning right on a red light. The speed limit in the Pennington Borough section of Route 31 is 35 mph, although it is frequently exceeded. The intersection of North Main Street and Route 31 now has pedestrian crossings controlled by traffic lights. A concrete sidewalk now runs along the east side of Route 31 from the Pennington Golf Center north to West Franklin Avenue. There is no sidewalk on the west side of Route 31.

The Borough remains concerned about traffic safety particularly at the intersection of Route 31 and West Delaware Avenue given that as many as 100 children and pedestrians cross this intersection daily to get to and from Timberlane Middle School and Hopewell Valley Central High School. A pedestrian fatality occurred there in October 2021, which prompted the Borough Council to pass Resolution 2021-11.14 urging NJDOT to re-visit the 2002 study of the Route 31 and West Delaware intersection in Pennington Borough. In response, the mayor received a letter from the NJDOT indicating that they do not see a problem with the intersection. The Council then passed Resolution 2022-5.19 reaffirming the previous resolution and sent certified copies to the Governor, Senator, Members of the Assembly, and the Mercer County Executive.

Two new Hopewell Township developments taking place on Scotch Road and Washington Crossing Road will have a major impact on traffic. The Scotch Road development, by US Home Corp./Lennar, brings 1077 new living units onto the market. The Washington Crossing Road development by US Home at Hopewell Urban Renewal brings 379 units. The total of 1456 added units exceeds Pennington's existing 1146 housing units. These large residential developments will significantly increase traffic in the area and, of concern to the Borough, will be increased traffic crossing Route 31 at West Delaware Avenue, Ingleside Avenue, and the Pennington Circle.

On the zoning issues in the 2002 Route 31 Design Study, the Capital Health site, formerly zoned MU-3, was rezoned MR Mixed Residential and developed by American Properties into a townhome community with a 20% allocation of affordable housing. This development is discussed below under the 2014 Land Use Plan Amendment: Supplemental Modifications to the September 2013 Master Plan and Development Regulations Periodic Reexamination Report.

Economic development in the area has had some turnover. As mentioned earlier, the Wells Fargo Bank and TD Bank buildings are vacant. In 2022, Starbucks purchased the TD Bank building, and in 2023, their site plan application was approved. Goodwill moved into Pennington Square Shopping Center where a convenience store had been. An application has been approved for the Borough's first retail cannabis outlet, Jersey Meds, which will be in the Pennington Square Shopping Center. Exceptions approved in the B-H zone and changes to the O-B zone to accommodate retail businesses (Borough Code 215-96) suggest that a review of zoning regulations and uses permitted in the B-H and O-B zones is needed. An option would be to combine B-H and O-B into a new zone which is less restrictive on permitted uses, including residential, and to encompass possible development ideas for the landfill, which is in the O-B zone.

4. *Traffic And Pedestrian Circulation: Although circulation improvements were made, traffic and pedestrian circulation continued to be a major concern, particularly along State Highway Route 31 with its truck traffic.*

Although the Covid-19 pandemic temporarily reduced traffic volumes on Route 31, they are returning to normal. Major housing development projects in southern Hopewell Township and development proposals along Route 31 within the Borough mean that traffic will increase, which increases the potential for conflict between pedestrians and vehicles.

In 2014, Borough Council adopted the NJ DOT Complete Streets policy. The benefits of complete streets include improving safety for pedestrians, bicyclists, children, older citizens, and the mobility challenged, reducing traffic congestion and reliance on carbon fuels, and saving money by incorporating sidewalks, bike lanes, and safe crossings into the initial design of a project to spare the expense of later retrofits. The Council reaffirmed the policy in 2016 but allowed four exemptions, which must be documented and approved by the Council, for the following four conditions, where:

- a. Bicyclists and pedestrians are prohibited by law from using the roadway.
- b. Detrimental environmental or social impacts outweigh the need for these accommodations.
- c. The safety or timing of a project is compromised by the inclusion of Complete Streets design practices.
- d. The cost of incorporating new bicycle, pedestrian, and/or public transit facilities is excessive. The need for and/or probable use of the facility shall be considered in making the determination as to whether or not an exception should be approved at this time or held for future consideration.

In 2021, the Council adopted a resolution in support of the 2020 Mercer County Bicycle Master Plan. In 2022, a resolution was adopted to endorse Vision Zero, which encourages municipalities to adopt achievable goals to prevent traffic-related severe injuries and fatalities based on the following principles:

- a. Deaths and severe injuries caused by traffic accidents are preventable.
  - b. Human life and health should be prioritized in all transportation systems and in all aspects of transportation planning.
  - c. Human error is inevitable and transportation systems should be forgiving.
  - d. Transportation planning should focus on systems-level changes above influencing individual behavior.
  - e. Speed is the single most important factor in crash severity.
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.*

The streetscape improvements recommended in the area around the Main Street and Delaware Avenue intersection are being constructed as funding from the NJ DOT's Transport Alternatives is obtained. The first project, to improve curbing on North Main Street was completed in 2014. In 2017 a grant was approved for a Phase II project on improvements on East and West Delaware Avenue and South Main Street. The project is ongoing.

After some issues, Council has worked to better define responsibility for trees that are in the public right of way. Ordinance 2018-6 was adopted to clarify Borough Code Chapter 13, Article 1 with respect to the advisory responsibilities of the Shade Tree Committee, the management of trees, particularly in or near the public right-of-way, and obligations of the Borough and property owners with respect to them. This was further refined by the adoption of Ordinance 2019-6 to eliminate any question concerning Council's exclusive discretion over the types, sizes, and locations of the trees to be planted, and to make clear the prohibition against removal of a public tree by a private person.

The Council is also concerned that the responsibility of the adjacent property owner to maintain their sidewalks is often ignored. Chapter 177 of the Borough Code covers repair of sidewalks, snow and ice removal, and the clearance and control of debris and overgrowth. Responsibility for enforcement needs to be clarified.

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 adoption of zoning provisions for a mixed-use inclusionary development on the former landfill site owned by the Borough.*

The general update did not occur, although guidelines are included in the Historic Preservation Chapter of the Borough Code. Zoning provisions for the landfill were

never adopted and the property remains in the B-H (Highway Business) Zone and is also part of the Route 31 Corridor Business Overlay Zone. There is still no decision on how the landfill and surrounding acreage owned by the Borough (Block 206, Lots 4, 5 & 12, ~8.3 acres) should be developed. The 2013 Route 31 Redesign Study by Maser Consulting made several recommendations, which should be revisited. Ordinance No. 2014-5 added a new section entitled Route 31 Corridor Business Overlay Zone and revised the zoning map. Bond Ordinance 2017-4 provided for preliminary planning, environmental, and investigative analysis of the landfill and related properties for potential redevelopment by the Borough. Excel Environmental Resources, Inc. was contracted to conduct the preliminary environmental assessment, and based on this a grant was obtained from the NJDEP Hazardous Discharge Site Remediation Fund to conduct a site investigation and remedial investigation of the landfill. Excel's final report was expected in early 2023. However, this may be delayed due to recent changes in the regulations by the State. Excel was also asked to write a Letter of Interpretation related to Lewis Brook, which flows through the site, to determine how the stream affects what can be built and, also, to do a flood plain analysis. Upon completion of these reports a discussion with public input will consider the options for the landfill site.

#### Specific Changes Recommended for the Master Plan and Development Regulations

A number of changes were recommended to the Borough's Master Plan and development regulations, which can be seen as part of the major problems and objectives identified in 2013 Master Plan Re-Exam, including:

- *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.*

These lots were rezoned to B-H and included in the Route 31 Corridor Business Overlay Zone, which permits municipal services, including emergency response 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.*

While the overlay zone was adopted, it does not include permission for flats above nonresidential uses. This concern remains, particularly in light of the Borough's need for additional affordable housing opportunities.

#### **The 2014 Land Use Plan Amendment: Supplemental Modifications to the September 2013 Master Plan and Development Regulations Periodic Reexamination Report**

The recommendations in this Amendment are presented in Section A and are not repeated here. The site was rezoned from MU-3 Mixed Use Zone to MR, Mixed Residence Zone, by Ordinance 2014 -17. It was subsequently developed by American Properties as The Heritage at Pennington, a new residential community including age-restricted and affordable housing units. As such, this concern has been addressed.

### **C. Relevant changes in assumptions, policies and objectives at the local, county and state levels**

#### **1. Demographics**

Since adoption of the 2013 reexamination report and 2014 amendment, the US Census was conducted in 2020. The most recently available data is presented and discussed in Appendix A, with the data source cited within each table. It should be noted that some of the data is from the 2020 American Community Survey (ACS), which provides more detailed data than currently available Census Data, as not all Census products have been released to date. It should also be noted that ACS data is an estimate, therefore both datasets are presented but differences may exist.

#### **2. Existing Land Use and Zoning**

Geographic Information System digital data available from the New Jersey Office of GIS provides the ability to categorize the use of each parcel within the Borough based on tax data. The results of this analysis are presented in Table 1, below.

The majority of the Borough is developed as residential use, with 82.6% of the Borough's 1,077 parcels categorized as property class 2, covering a total of 319.4 acres. Commercial properties represent the next most prevalent land use, with 57 class 4A properties covering 59.5 acres.

Pennington is divided into a total of 14 zoning districts, as depicted on the Zoning Map shown on the following page. The acreage of each district is summarized in Table 2 below. As shown, the majority of the Borough is classified for residential use.

**TABLE 1 – Land Use by Property Tax Class**

Zone District	Symbol	Acreage	% of Total Acreage
R-80 Residence Zone	R-80	254.3	40.8%
R-100 Residence Zone	R-100	201.4	32.3%
R-A Apartment Townhouse Residence Zone	R-A	8.6	1.4%
O-R Office Residence Zone	O-R	4.2	0.7%
TC Town Center Zone	TC	11.3	1.8%
TCB Town Center Buffer Zone	TCB	5.5	0.9%
B-H Highway Business Zone	B-H	24.0	3.8%
O-B Office Building Business Zone	O-B	27.1	4.3%
P-O Professional Office Zone	P-O	4.5	0.7%
E-1 Education Zone	E-1	33.6	5.4%
E-2 Education Zone	E-2	20.5	3.3%
MU-1 Mixed Use Zone 1	MU-1	4.4	0.7%
MU-2 Mixed Use Zone 2	MU-2	8.3	1.3%
MR Mixed Residence Zone	MR	16.2	2.6%
		623.9	

**TABLE 2 – Area of Zoning Districts**

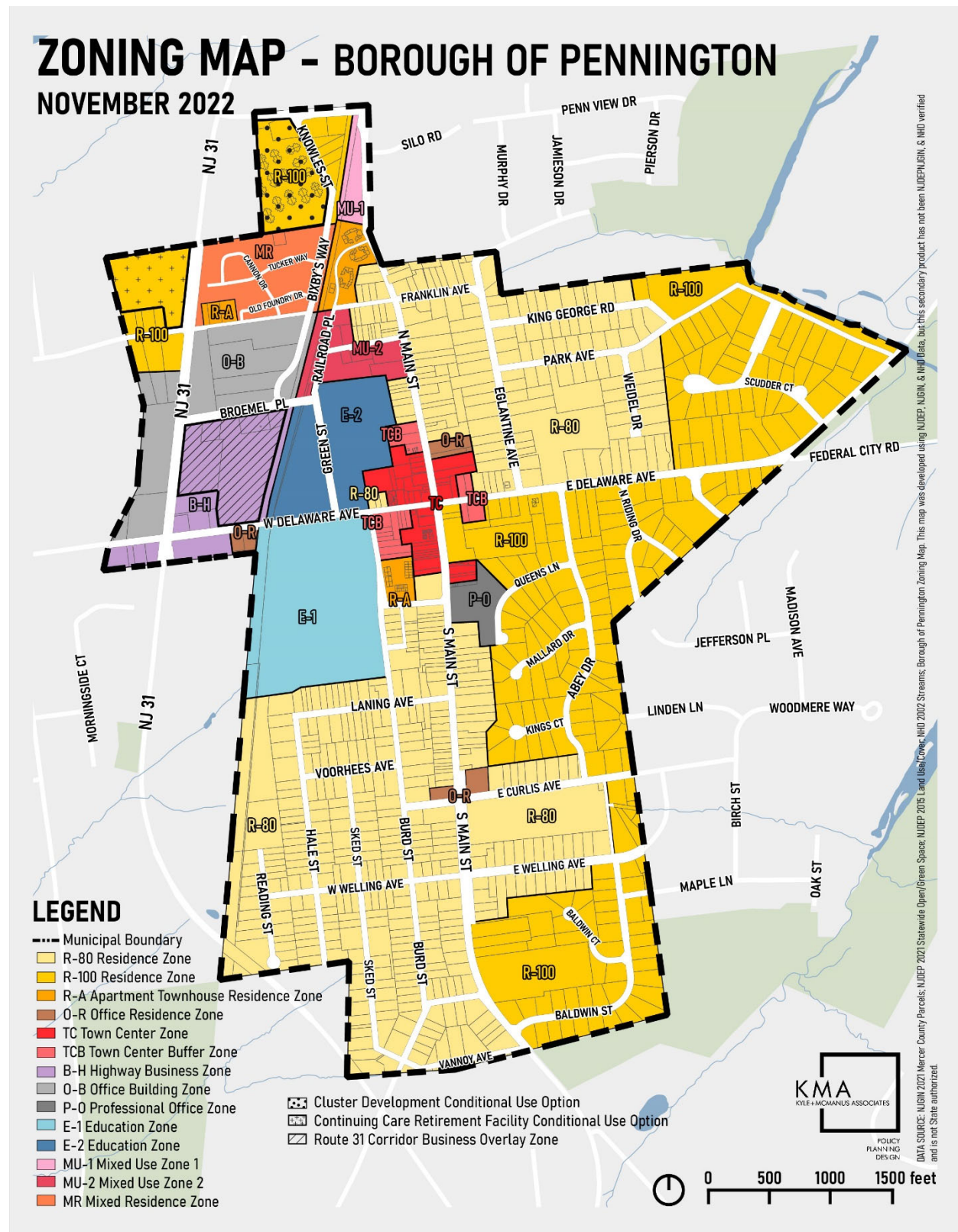
Property Class	Land Use Category	Total Properties	Total Acreage
1	Vacant	53	24.3
15A	Public School Property	2	17.2
15B	Other School Property	4	11.8
15C	Public Property	26	26.7
15D	Church and Charitable	17	14.0
15E	Cemeteries	4	5.5
15F	Other Exempt	8	37.7
2	Residential	890	319.4
4A	Commercial	57	59.5
4B	Industrial	2	7.0
4C	Apartment	2	1.2
5A	Railroad Class 1	7	15.1
5B	Railroad Class 2	5	0.7
		1,077	540.2



## Zoning Map

# ZONING MAP - BOROUGH OF PENNINGTON

NOVEMBER 2022



### **3. Climate Change Related Hazard Vulnerability Assessment**

In 2021, the Municipal Land Use Law, N.J.S.A. 40:55D-28 was amended to include a provision requiring a hazard vulnerability assessment related to climate change be included in any adopted land use plan elements of the Master Plan. N.J.S.A. 40:55D-28.h was added and states that a climate change related hazard vulnerability assessment shall;

- (i) analyze current and future threats and vulnerabilities to the municipality from climate change-related natural hazards
- (ii) include a build-out analysis of future development and an assessment of the threats and vulnerabilities associated with the future development
- (iii) identify critical facilities, utilities, roadways, and other infrastructure necessary for evacuation and sustaining quality of life during a natural disaster
- (iv) analyze the potential impact of natural hazards on relevant components and elements of the master plan
- (v) provide strategies and design standards that may reduce or avoid natural hazard risks
- (vi) include a specific policy statement on the consistency, coordination, and integration of the climate change-related hazard vulnerability assessment with any existing or proposed plan
- (vii) rely on the most recent natural hazard projections and best available science provided by the New Jersey department of Environmental Protection.

In (i), the statute defines climate change-related natural hazards as including but not limited to increased temperatures, drought, flooding, hurricanes and sea-level rise. In (vi), the statute details the plans, which include a natural hazard mitigation plan, a floodplain management plan, a comprehensive emergency management plan, an emergency response plan, a post-disaster recovery plan, or a capital improvement plan.

As the Borough intends to prepare a new Land Use Plan Element soon, the required assessment will be prepared at that time. While the Borough is not subject to coastal considerations and contains no major rivers or streams, certain areas of the Borough have been susceptible to flooding in intense rainfall events like those experienced in late 2021, which caused catastrophic localized flooding.

### **4. State Development and Redevelopment Plan**

In March 2001 a new State Development and Redevelopment Plan was adopted by the State Planning Commission. As with the first State Plan (adopted in 1992), the 2001 State Plan delineated a series of Planning Areas based on natural and built characteristics and sets forth the State's vision for the future development of those areas. The five Planning Areas (listed in descending order from the most developed to the least developed condition) include the Metropolitan Planning Area (PA1), Suburban Planning Area (PA2), Fringe Planning Area (PA3), Rural Planning Area (PA4) and Environmentally Sensitive Planning Area (PA5.). This State Plan places the Borough in the Metropolitan Planning Area (PA1).



In April 2004, the State Planning Commission released a Preliminary Plan proposing amendment to the 2001 State Plan, triggering a third round of the State Plan Cross-Acceptance process. While significant input was gathered from municipalities and counties during the Cross-Acceptance process, this Plan was never adopted.

Rather a new State Plan, the “State Strategic Plan: New Jersey’s State Development & Redevelopment Plan”, was drafted and released in 2012. This draft State Plan takes a significantly different approach from the 2001 State Plan with the elimination of Planning Areas in favor of “Investment Areas”. After a series of public hearings at various locations throughout the State, the 2012 Plan was scheduled for adoption by the State Planning Commission on November 13, 2012. However, the adoption was delayed to further refine the Plan and to better account for the impact of Superstorm Sandy which occurred on October 30, 2012. No Plan revisions have been released to date and no further public hearings on the Plan have been scheduled. Until a new State Plan is adopted, the 2001 State Plan remains in effect. The Borough should monitor the State’s efforts toward adopting a new State Plan and respond accordingly, but it is worthwhile to note that the entire Borough is currently situated within Planning Area 3, the Fringe Planning Area.

## **5. Wireless Telecommunications Facilities**

There have been two changes to the regulation of wireless telecommunication facilities. The first, a federal law, prohibits municipalities from denying a request by an “eligible facility” to modify an existing wireless tower or base station if such a change does not “substantially change” the physical dimensions of the tower or base station. The term “substantial change” is not defined by the law. Until regulation or case law is issued on this topic, the Borough will need to carefully interpret this on a case-by-case basis.

The second regulatory change is an amendment to the Municipal Land Use Law, N.J.S.A. 40:55D- 46.2. This new section states that applications for collocated equipment on a wireless communications support structure shall not be subject to site plan review provided three requirements are met: 1) the structure must have been previously approved; 2) the collocation shall not increase the overall height of the support structure by more than 10 percent, will not increase the width of the support structure, and shall not increase the existing equipment compound to more than 2,500 square feet; and 3) the collocation shall comply with all of the terms and conditions of the original approval and must not trigger the need for variance relief. Borough ordinances should be revised to reflect federal law.

In the coming years, it is anticipated that providers of fifth-generation wireless technology (“5G”) will seek to install wireless facilities, typically on utility poles and lampposts, throughout the region. 5G offers subscribers much faster data speeds and, with that, new and enhanced technological capabilities. The Borough should take appropriate steps to control and regulate the implementation of 5G technology by adopting ordinances which implement processes and regulate, among other things, the size, location, and appearance of 5G wireless facilities.

## **6. Affordable Housing**

On December 20, 2004, COAH’s first version of the Third Round rules became effective some five years after the end of the Second Round in 1999. At that time, the Third Round was

defined as the time period from 1999 to 2014 but condensed into an affordable housing delivery period from January 1, 2004 through January 1, 2014. The Third Round rules marked a significant departure from the methods utilized in COAH's Prior Round. Previously, COAH assigned an affordable housing obligation as an absolute number to each municipality. These Third Round rules implemented a "growth share" approach that linked the production of affordable housing to residential and non-residential development within a municipality.

On January 25, 2007, a New Jersey Appellate Court decision, *In re Adoption of N.J.A.C. 5:94 and 5:95*, 390 N.J. Super. 1, invalidated key elements of the first version of the Third Round rules, including the growth share approach. The Court ordered COAH to propose and adopt amendments to its rules within six months to address the deficiencies identified by the Court. COAH missed this deadline but did issue revised rules effective on June 2, 2008 (as well as a further rule revision effective on October 20, 2008). COAH largely retained the growth share approach, but implemented several changes intended to create compliance with the 2007 Appellate Court decision. Additionally, the Third Round was expanded from 2014 to 2018.

Just as various parties challenged COAH's initial Third Round regulations, parties challenged COAH's 2008 revised Third Round rules. On October 8, 2010, the Appellate Division issued its decision, *In re Adoption of N.J.A.C. 5:96 and 5:97*, 416 N.J. Super. 462, with respect to the challenge to the second iteration of COAH's third round regulations. The Appellate Division upheld the COAH Prior Round regulations that assigned rehabilitation and Prior Round numbers to each municipality but invalidated the regulations by which the agency assigned housing obligations in the Third Round. Specifically, the Appellate Division ruled that COAH could not allocate obligations through a "growth share" formula. Instead, COAH was directed to use similar methods that had been previously used in the First and Second rounds. The Court gave COAH five months to address its ruling and provide guidance on some aspects of municipal compliance.

COAH sought a stay from the NJ Supreme Court of the March 8, 2011 deadline that the Appellate Division imposed in its October 2010 decision for the agency to issue new Third Round housing rules. The NJ Supreme Court granted COAH's application for a stay and granted petitions and cross-petitions to all the various challenges to the Appellate Division's 2010 decision. On September 26, 2013, the NJ Supreme Court upheld the Appellate Court decision in *In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council On Affordable Housing*, 215 N.J. 578 (2013), and ordered COAH to prepare the necessary rules.

Although ordered by the NJ Supreme Court to adopt revised new rules on or before October 22, 2014, COAH deadlocked 3-3 at its October 20th meeting and failed to adopt the draft rules it had issued on April 30, 2014. In response, FSHC filed a motion in aid of litigant's rights with the NJ Supreme Court, and oral argument on that motion was heard on January 6, 2015.

On March 10, 2015, the NJ Supreme Court issued a ruling on the Motion In Aid of Litigant's Rights (*In re Adoption of N.J.A.C. 5:96 & 5:97*, 221 NJ 1, aka "Mount Laurel IV"). This long-awaited decision provided a new direction for how New Jersey municipalities are to comply with the constitutional requirement to provide their fair share of affordable housing. The Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges. The implication of this was that municipalities may no longer wait for COAH to adopt Third Round rules before preparing new Third Round housing elements and fair share plans and municipalities must now apply

to the Courts, instead of COAH, if they wish to be protected from exclusionary zoning lawsuits. These trial judges, with the assistance of an appointed Special Master to the Court, reviewed municipal plans much in the same manner as COAH previously did.

While the NJ Supreme Court's decision set a process in motion for towns to address their Third Round obligations, it did not assign those obligations. Instead, that was to be addressed by the trial courts. However, the NJ Supreme Court did direct that the method of determining municipal affordable housing obligations were to be "similar to" the methodologies used in the First and Second Round rules. Additionally, the Court stated that municipalities should rely on COAH's Second Round rules (N.J.A.C. 5:93) and certain components of COAH's 2008 regulations that were specifically upheld (including but not limited to Redevelopment Bonuses), as well as the Fair Housing Act (N.J.S.A. 52:27D – 301 et seq.), in their preparation of Third Round housing elements and fair share plans.

On January 17, 2017, the NJ Supreme Court rendered a decision, In Re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), that found that the "gap period," defined as 1999–2015, generates an affordable housing obligation. This obligation requires an expanded definition of the municipal Present Need obligation to include low- and moderate-income households formed during the gap period; however, this component of the obligation is a new-construction obligation rather than a rehabilitation obligation.

Accordingly, the municipal affordable housing obligation is now composed of the following 4 parts:

- Present Need (rehabilitation),
- Prior Round (1987–1999, new construction),
- Gap Present Need (Third Round, 1999–2015, new construction), and
- Prospective Need (Third Round, 2015 to 2025, new construction).

In addition to the State agency activity and judicial decisions, the New Jersey Legislature has amended the Fair Housing Act in recent years. On July 17, 2008, Governor Corzine signed P.L. 2008, c. 46 (referred to as the "Roberts Bill", or "A500"), which amended the Fair Housing Act. Key provisions of the legislation included the following:

- It established a statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing;
- It eliminated new regional contribution agreements (hereinafter "RCAs") as a compliance technique available to municipalities whereby a municipality could transfer up to 50% of its fair share to a so called "receiving" municipality;
- It added a requirement that 13% of all affordable housing units and 13% of all similar units funded by the state's Balanced Housing Program and its Affordable Housing Trust Fund be restricted to very low-income households (30% or less of median income); and
- It added a requirement that municipalities had to commit to spend development fees within four (4) years of the date of collection after its enactment, which commenced on the four-year anniversary of the law (July 17, 2012).

These amendments to the Fair Housing Act are not promulgated in any valid COAH regulations. However, the requirement to expend development fees within four years of

their collection was determined in a Middlesex County Superior Court case to instead have the first four-year period to begin upon a Judgment of Repose, or upon a finding by the Court that the municipality is determined to be non-compliant (IMO of the Adoption of the Monroe Borough Housing Element and Fair Share Plan and Implementing Ordinances). Superior Courts around the State have been guided by this decision.

While the Borough had initially participated in the consortium of municipalities that retained Econsult Solutions to develop methodology and negotiate with Fair Share Housing Center, it withdrew from the process and has since not revisited the issue. Now that Judge Jacobsen's decision on methodology related to cases in Princeton and West Windsor is settled caselaw and the methodology has been utilized within the vicinage, the Borough intends to at a minimum prepare a Housing Element and Fair Share Plan based on that approach. According to a 2018 report prepared by Econsult Solutions utilizing what has now been coined "The Jacobsen Methodology," the Borough's affordable housing obligation can be summarized as follows:

Prior Round Obligations (1987-1999): 52 Units

Present Need (Rehabilitation Obligation): 70 Units

Third Round Obligation (1999-2025): 186 Units

Based on analysis prepared by the Borough Planner, Pennington is essentially fully developed, with little vacant land available for affordable housing. This means the Borough will be entitled to a Vacant Land Adjustment. The only properties potentially remaining are the former Borough Landfill, located between Broemel Place and West Delaware Avenue, and the current Hopewell Valley Senior Center, located on Reading Street. Recent information presented by the LSRP working with the Borough on closing the landfill revealed that the combination of landfill materials and environmental constraints present on the property (wetlands, wetland transition areas, flood hazard areas and riparian buffers) means that residential development will not be feasible from an economic perspective. Therefore, this property will not contribute to calculation of Realistic Development Potential. As Hopewell Township and the Borough are moving forward with construction of a new Senior Center at a site in Hopewell Township, the current Senior Center property will become available and will be considered to help meet the need for affordable housing. Additional potential sites include the former Wells Fargo property on the corner of Route 31 and West Delaware Avenue and properties along West Franklin Avenue and Route 31.

In reviewing data from the 2020 Census and 2020 American Community Survey, approximately 46% of renters within the Borough are spending more than 35% of their monthly income on housing costs. For owner-occupied housing, approximately 24% of residents are spending more than 30% of their monthly income on mortgage costs. This points to a need for additional affordable rental options in the Borough as almost half of renters are spending a significant portion of their income on housing costs.

## **7. COVID-19 Pandemic**

While the COVID-19 pandemic continues today, it is clear it will have a lasting impact on the State's economy and how its residents and business operate and interact with one another well into the future. The impact of the pandemic on the Borough will likely not be fully understood, however this Reexamination Report offers an opportunity to consider what

changes to land use policies are necessary to facilitate businesses and residents enjoying success and quality of life during and after the pandemic.

Since the Governor declared a State of Emergency on March 9, 2020, Borough business and residents have suffered the health and economic consequences. Through these challenging times, a few trends have appeared, and it seems likely they will continue through the pandemic and perhaps beyond.

- Economic Repercussions. While the impact remains unknown, it is clear that temporary business closures and reduced business activity may result in permanent business closures that could lead to vacant commercial and office spaces. The Borough may need to contend with vacancies and will need to monitor this trend and potentially consider if additional permitted uses are appropriate so as to welcome new businesses to the Borough. The economic repercussions may go beyond the commercial market and impact the residential market.
- Work from home. Employees across the state have been forced to work from home during the pandemic. For some people and businesses, this has been very successful and is desired to continue beyond the pandemic. This will increase the demand for home offices – perhaps a den, spare bedroom, or finished basement or attic space. It may also increase the desire for a home office as both employers and employees realize the convenience and reduced costs of working from home.
- Multigenerational Housing. It is likely the Borough will see increased instances where adult children and/or parents of homeowners are living together. This is a trend that predates the pandemic but is likely to increase, reflecting a changing economy. This may increase the demand for larger homes, in-home and accessory suites, and accessory apartments.
- Outdoor dining. With the rates of virus transmission significantly lower in outdoor spaces employing social distancing, the desire for restaurants to have outdoor dining has dramatically increased. As such, demand for outdoor dining along sidewalks and in areas of parking lots may increase. It is possible this demand for outdoor dining may extend beyond the COVID-19 pandemic. This change in demand should be supported in the Borough beyond the pandemic since it has the potential to enhance the attractiveness of commercial areas and can contribute toward these areas serving as Borough gathering spaces.
- Pedestrian and bicycle facilities. With the temporary closure of businesses and residents working from home, the desire to walk and bike around the community for recreation increased. It is likely this will create new habits among residents and increase the demand for safe and convenient pedestrian and bicycle facilities. The Borough should explore how these facilities can be provided between destinations where they do not exist and where enhancements are necessary.
- Drop-off / Pick-up. Temporary closure of businesses and concern about safety of indoor spaces have generated increased demand for take-out food and deliveries of online purchases and restaurant food. The Borough may be faced with increased demand for customer pick-up locations and home delivery. Such accommodations have already generated reconfigured parking lots and curbside pick-up arrangements.

These accommodations have addressed not only health and safety concerns for employees and customers, but also enhanced convenience for local businesses.

## 8. Electric Vehicles

The popularity of electric personal vehicles has grown substantially. In lieu of purchasing fuel at a gas station, these vehicles charge their batteries between trips. While many owners will conduct charging at their home and will do so in accordance with the applicable building code, many will also need and/or desire to charge while at work, shopping or otherwise out of their homes. This requires electric vehicle charging stations. In fact, support for charging stations is consistent with the Strategy 1 of the *2020 New Jersey Energy Master Plan* which states, “Reducing Energy Consumption and Emissions from the Transportation Sector, including encouraging electric vehicle adoption, electrifying transportation systems, and leveraging technology to reduce emissions and miles traveled.”



*Example electric vehicle charging station*

Amendments to the Municipal Land Use Law adopted in August of 2021 included many provisions specific to the installation of electric vehicle supply equipment, including:

- New definitions for “make-ready” and “electric vehicle supply equipment”.
- Applications proposing the installation of electric vehicle supply equipment in any zoning district within the Borough must be treated as a permitted accessory use or structure.
- Applications proposing the installation of electric vehicle supply equipment or make-ready parking spaces at an existing gasoline service station, existing retail establishment or any other existing building shall not require site plan or other land use board review nor variance relief and shall be approved by the issuance of a zoning permit by the administrative officer, provided the following requirements are met:
  - The proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
  - All other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
  - The proposed installation complies with the construction codes adopted in or promulgated pursuant to the “State Uniform Construction Code Act,” P.L. 1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the



installation, and any State rule or regulation concerning electric vehicle charge stations.

- An application shall be deemed complete if:
  - The application, including the permit fee and all necessary documentation, is determined to be complete;
  - A notice of incompleteness is not provided within 20 days after the filing of the application; or
  - A one-time written correction notice is not issued by the jurisdiction within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
- Installations are subject to applicable local and Department of Community Affairs inspection requirements.
- Each application involving multiple dwellings with 5 or more units, as a condition of preliminary site plan approval shall:
  - Prepare as make-ready parking spaces at least 15 percent of the required off-street parking spaces, and install electric vehicle supply equipment in at least one-third of the 15 percent of make-ready parking spaces
  - Within three years following the date of the issuance of a certificate of occupancy, install electric vehicle supply equipment in an additional one-third of the original 15 percent of make-ready parking spaces; and
  - Within 6 years following the date of issuance of a certificate of occupancy, install electric vehicle supply equipment in the final one-third of the original 15 percent of make-ready parking spaces.
- Throughout the installation of electric vehicle supply equipment in make-ready parking spaces, at least 5 percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
- As a condition of preliminary site plan approval, each application involving a parking lot or parking garage shall:
  - Install at least 1 make-ready parking space if there are 50 or fewer off-street parking spaces
  - Install at least 2 make-ready parking spaces if there will be 50 to 75 off-street parking spaces
  - Install at least 3 make-ready parking spaces if there will be 76 to 100 off-street parking spaces
  - Install at least 4 make-ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces
  - Install at least 4 percent of the total parking spaces as make-ready parking spaces, at least 5 percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces
- Parking spaces with electric vehicle supply equipment or make-ready equipment shall count as at least 2 parking spaces for the purposes of complying with a minimum parking requirement, but may not reduce total required parking by more than 10 percent.
- Requiring the adoption of a model land use ordinance by the Commissioner of Community Affairs, which shall be effective in each municipality.

- Permitting municipalities to adopt reasonable standards to address installation, sightline and setback requirements or other health and safety-related specifications for electric vehicle supply equipment or make-ready spaces.

## **9. Time of Application Law**

The Municipal Land Use Law “time of decision” rule was altered by adoption of the “time of application” rule in May of 2010. This amendment changed the long-standing practice that permitted municipalities to change zoning requirements and standards up until the time a decision was rendered by an approving board on a particular application. Provided an applicant submits an “application for development”, which is defined as “the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, cluster development, conditional use, zoning variance or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L. 1975, c.291 (C.40:55D-1 et seq.)”, the zoning requirements in place at the time of submission shall govern the application. The only exception is for those ordinance requirements relating to health and public safety. Recent case law on this issue has determined that an applicant is required to submit all information necessary to be considered a complete application, including all information required by submission checklists contained in the ordinance.

## **10. Stormwater Management Requirements**

All municipalities in the State were required to adopt new comprehensive stormwater management regulations by March 2, 2021, regulations mandated to be consistent with NJDEP stormwater management rules. The new rules implemented more stringent requirements for stormwater control and promote the use of nonstructural stormwater management techniques. The Borough adopted its new Stormwater Control ordinance in April of 2021.

As noted in Section 13 below, the NJDEP is currently proposing modifications to the stormwater management rules, which could impact the Borough’s current stormwater management ordinance.

## **11. Renewable Energy**

Since the 2007 reexamination report, there have been a number of amendments to the Municipal Land Use Law relative to renewable energy facilities. These include:

- A new definition for “inherently beneficial use”, which includes solar, wind and photovoltaic energy generating facilities
- Solar panels not counting as impervious surface, therefore exempting them from impervious coverage requirements
- Permitting solar, photovoltaic and wind electrical generating facilities as being permitted on sites over 20 acres within any industrial zone district in the State

In 2021, Council resolved that borough operations will be carbon neutral by 2035 and asked the Environmental Commission to develop strategies to migrate away from carbon energy sources and to encourage Borough residents and businesses to become carbon neutral.



## **12. New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act**

On the heels of a 2020 referendum where the voters of New Jersey approved the legalization of personal cannabis use by adults, the legislature adopted the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act. The Act established different classes of licensing applicable to the cultivation, processing, wholesaling, sale and delivery of cannabis products and required municipalities to either opt out of permitted cannabis businesses or establish local land use controls related to any of the classes established in the Act. Inaction by a municipality by the August 21, 2021 deadline established in the Act required a waiting period of 5 years to enact land use controls and made cultivation, manufacturing, selling and reselling of cannabis permitted uses within all industrial zones and the selling of cannabis permitted uses within all retail zones within a municipality. Even upon opting out of permitting cannabis businesses, a municipality may not restrict the delivery of cannabis within its borders.

Borough Council determined that retail cannabis businesses and cannabis delivery services were appropriate for Pennington in limited number, permitting one medical cannabis dispensary and one adult recreational cannabis dispensary (both without consumption areas), which are conditionally permitted in the B-H and O-B zones along Route 31. Cannabis delivery services are conditionally permitted in the B-H, O-B and MU-1 zones. The Planning Board recently approved an application for adult use retail sales at the Pennington Square Shopping Center.

## **13. NJDEP Stormwater Management and Flood Hazard Area Control Act Rule Updates**

The New Jersey Department of Environmental Protection (NJDEP) began discussions on changes to the stormwater management and flood hazard rules in June of 2022. Initially NJDEP and the Governor's office considered adoption of an emergency order implementing the rules, but reconsidered after considerable objection. Recently NJDEP announced the changes as a rule proposal, which were published in the New Jersey Register on December 5, 2022, commencing a 60-day comment period required prior to adoption.

Once adopted, these rules will dramatically alter consideration of development, increasing required flood elevations by two feet. Presently the regulations require planning for flood elevations one foot above base flood elevation as identified by FEMA; the new rules will add an additional two feet, requiring a design elevation three feet above base flood elevation. The rule proposal notes that current calculations are based on rainfall intensity data through 1999. Given recent catastrophic flood events where intensities far exceeded the 1999 rates, the change is seen as necessary to protect new development from such catastrophic flooding. This issue was well illustrated in the Hopewell Valley, with the remnants of Hurricane Ida causing intense flooding in the area. The intersection of Route 31 and Delaware Avenue and the railroad underpass on Broemel Place were particularly impacted during this time. For example, many vehicles and their passengers found overnight sanctuary in the Pennington Market parking lot, trapped by the flooded highways. The market remained open all night, providing rest room facilities and snacks. Other areas of Pennington, including residential neighborhoods, were impacted by severe flooding.

## 14. Accessory Dwelling Units

The issue of housing affordability has been brought more to the forefront in recent years, largely due to the COVID-19 pandemic and recent rise in inflation and household costs. As noted previously, data shows that 45% of renters and 24% of homeowners are spending more than 30% of their income on housing costs. While utilized extensively in California and other expensive housing markets in the US, accessory dwelling units have been slow to catch on in New Jersey. Recently both Princeton and South Orange have adopted progressive accessory dwelling unit (ADU) ordinances. The benefits of permitting ADU's are two-fold. First, they provide smaller rental units that tend to be more affordable, even if not deed-restricted to low- and moderate-income rents. Second, they allow homeowners a revenue stream to assist with housing costs, which is particularly useful to residents that may not be able to afford to maintain their current home in retirement.

**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.**

During the Master Plan Committee's work on this Reexamination Report, it became clear that the Borough's 1998 Master Plan needs to be updated. There are three general areas where the 1998 Plan is deficient:

- It makes no mention of several important current issues, including conservation, renewable energy, greenhouse gas emissions reduction, climate change hazard vulnerability and mitigation, green buildings, and environmental sustainability. Nor does it include an economic development plan.
- Updates are needed to the data and assumptions in the seven elements in the 1998 plan: land use, housing, circulation, utilities, historic preservation, community facilities, and regional planning.
- The 1998 plan and its 2005 and 2013 reexaminations and 2014 amendment exist only as PDFs on the Borough website. Thus, it is difficult to get a coherent picture of the current plan as revised by recommendations in the reexaminations. Also, the Borough's reexamination reports were generally aimed at specific zoning issues relevant at the time and did not represent a comprehensive review of the Borough's planning policies and objectives.

To address the first and second issues, the Board recommends the Borough embark on a two-year update of the Master Plan, creating a process that will allow existing elements to be fully updated and new elements to be written by 2025. To address the third issue, the 2025 Master Plan should be a living document on the Borough website. Each element will have its own webpage, links to which will be placed in the overall Master Plan website. Some elements may need to be revised more frequently and when an element is revised and approved, it will replace the outdated version on the website. In this way, anyone accessing the Master Plan will be directed to the current version of all elements. This model is used by Princeton, and it works well.

The MLUL mandates two elements in any Master Plan; a Statement of Objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based, and a Land Use plan element. In addition, it suggests fifteen elements that are optional. Of these fifteen, ten have

been deemed to be meaningful for inclusion in the Pennington Borough Master Plan. A summary of the two mandated and ten optional elements recommended for inclusion in the Borough's 2025 Master Plan is provided below, along with actions needed for each.

### 1. Strategic Overview, Objectives, Vision, Goals & Policies

This aspect of the Master Plan is a statement of objectives, principles, assumptions, policies, and standards upon which the proposals in later plan elements for the physical, economic, and social development of the Borough are based. This section will express Pennington's vision for the Borough in the coming decades. It is necessary not only pursuant to the Municipal Land Use Law, but also to provide the foundation for all other elements.

### 2. Land Use Plan Element

This element most closely relates to the Borough's zoning and potential redevelopment areas. Considering the other master plan elements and natural conditions and the existing and proposed zone plan and zoning ordinance, it will show the proposed locations of land to be developed for various purposes and describe the extent and intensity of such development. It will also state the standards of population density and development intensity recommended for the Borough. The updated Land Use Plan will include the now-required climate change related hazard vulnerability assessment.

The Board recommends that as part of the update of the Land Use Plan Element, the following issues be studied and considered:

- Permitting accessory dwelling units within the R-80 and R-100 zone districts.
- Review of uses permitted in the Borough's nonresidential districts, with particular focus on the B-H and O-B zones. Discuss whether B-H and O-B zones should be combined, referencing the Route 31 Corridor Business Overlay Zone (215-78.2) and the O-B Limited Retail Uses (215-96).
- Permitting mixed-use in areas other than the Town Center zone district.
- Elimination of the Town Center Buffer zone and reclassification to R-80 or creation of a new zone district to encompass these areas.
- Expanding permitted uses in the Town Center zone.
- Areas of the Borough where the designation as an area in need of redevelopment could provide opportunity and incentive for new residential, commercial or mixed-use development.
- Review of conditional uses permitted in the Borough and elimination of those that are no longer relevant or desirable.
- Review of zone designations on West Franklin Avenue and consideration of eliminating the R-100 zone district in favor of nonresidential zoning.
- Implementing a Historic District Overlay or separate Historic District zone to better address zoning requirements related to older structures.

### 3. Housing Plan Element

The Housing Element and Fair Share Plan is currently being updated, and it is expected to be finalized in the first quarter of 2023. It will meet all the requirements typically applied during Court review of such plans in conjunction with a Declaratory Judgment action. While the Borough has not opted to participate in the Court process to date, it is important that this element be prepared in such a way as to be consistent with current requirements. This element will include the required demographic analysis in the form of tables detailing the latest Census data available and will also include projections of population and employment growth. It will also summarize existing affordable housing within the Borough and identify the Borough's affordable housing obligation.

#### 4. Circulation Plan Element

This update to the 1998 Circulation Plan element will depict the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the Borough - bus, rail, vehicles, bicycles, skateboards, electric personal transport, and pedestrian – and will do so for all users. It will identify the most common destinations within and adjacent to the Borough (schools, shopping, housing, etc.) and determine if improved circulation infrastructure is needed to better address existing and future resident access and mobility to each. Furthermore, as required by the MLUL, it will take account of the functional highway classification system of the Federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities. The Chief of Police and the Director of Public Works will be consulted in the development of this element, which will need to be coordinated with circulation plans of Hopewell Township, Mercer County and the State.

#### 5. Utility Service Plan Element

The water and sewer data in the 1998 Utilities Service element needs to be revised to reflect current capacities. This element will also analyze the need for and show the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and sewage treatment, solid waste disposal and provision for other related utilities and storm water management facilities. This element will be helpful to the Borough as it considers likely future development and to what extent it will be served by water, sewer, flood, solid waste, and stormwater infrastructure and what, if any, upgrades are necessary to ensure adequate service. It should also include electricity and natural gas supply and the installation of communication tools – cable, cell towers and wi-fi. The preparation of this element will require coordination with the Director of Public Works.

#### 6. Community Facilities Plan Element

The 1998 Community Facilities element provided a comprehensive list of facilities available at the time. This is largely unchanged so the update should be straightforward. The update will analyze the existing and proposed location and type of educational or cultural facilities, historic sites, libraries, medical care facilities, emergency medical services, firehouses, police stations and other related facilities. It will also include the proposed community and senior center. This element does not address the operation of municipal facilities, except as they relate to their location and size in the community.

#### 7. Open Space & Recreation Plan Element

The Borough adopted a comprehensive Open Space and Recreation Plan element in 2015 and it will only require a minor update to add recently acquired properties and opportunities.

It will benefit from using current mapping software for the open space system within the Borough and close to the Borough to aid in identification of important nearby resources available to Borough residents. This is also critical in the context of bike and pedestrian planning that will be part of the Circulation Plan element. The Open Space Committee will participate in the update of this element.

#### 8. Conservation Plan Element

The Environmental Commission is putting the finishing touches on the Environmental Resource Inventory, which will form a major part of a new Conservation Plan element. It addresses the preservation, conservation, and utilization of natural resources, including, to the extent appropriate, energy, open space, water supply, forests, soil, marshes, wetlands, rivers and other waters, fisheries, endangered or threatened species wildlife and other resources. It systemically analyzes the impact of each other component and element of the master plan on the present and future preservation, conservation and utilization of those resources. This element will be useful in better understanding the environmental features in the Borough and how they relate to zoning and other policies.

#### 9. Economic Plan Element

This new element considers all aspects of economic development and sustained economic vitality in the Borough. This can be achieved through analysis of existing business and employment data as well as projections related to these. It will also include discussion on the stability and diversity of economic conditions in the Borough. The Economic Development Commission will participate in the development of this element.

#### 10. Historic Preservation Plan Element

A Mayor's Task Force developed a Historic Preservation Plan that was adopted by the Borough as a Master Plan element in 2011. The element recommended the enactment of a historic preservation ordinance to include the formation of a Historic Preservation Commission, and the designation of a "Crossroads Historic District." An ordinance was enacted in 2011 and became Chapter 119 of the Borough Code. The Historic Preservation Commission is developing an updated element to show the location and significance of historic sites and historic districts, identify the standards used to assess worthiness for historic site or district identification, and analyze the impact of each component and element of the master plan on the preservation of historic sites and districts.

#### 11. Recycling Plan Element

The 1998 Master Plan recycling element will be updated to incorporate the current State Recycling Plan goals, including provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land. The Environmental Commission and the Green Team will participate in the update of this element.

#### 12. Green Buildings and Environmental Sustainability Plan Element

Introduced in 2008 as an optional element in the MLUL, this element (GBESE) will be a new and valuable addition to the Pennington Master Plan. Often referred to as the "sustainability

element,” it encourages and promotes the efficient use of natural resources and the installation and use of renewable energy systems; considers the impact of buildings on the local, regional, and global environment; allows ecosystems to function naturally; conserves and reuses water; treats storm water on-site; and optimizes climatic conditions through site orientation and design. This element will be useful in assessing strategies for reducing the Borough’s existing and anticipated future environmental footprint. In addition, it will be useful in exploring how the Borough can best promote green building and site development, as well as where and how renewable energy can be promoted in the Borough. The Environmental Commission will participate in the development of this element.

### 13. Relation to Other Plans

This section of the Master Plan will address how the policies expressed in the various elements relate to the policies in adjacent municipalities as expressed in their zoning ordinances and master plans; to the County as expressed in the County Master Plan documents; and to the State as expressed in the State Development and Redevelopment Plan. This section will also relate the Borough’s policies to the policies of regional organizations.

The final part of the Master Plan will be a strategic implementation plan for all recommendations contained in the Master Plan. It will be formatted as an easy to digest document summarizing each recommendation, the primary party responsible for implementing the recommendation, and what steps are necessary to achieve implementation.

Master plans and master plan reexaminations are key guiding documents that serve as a blueprint for what the community is and what it will be. It is therefore essential that the community is engaged in the development of all new parts of the plan and that outreach to the community is thorough, and inclusive of all community members.

### **Specific Changes Recommended to Development Regulations**

Over time, the Planning Board has noted several inconsistencies and problem areas in the zoning ordinance, which have been highlighted by applications for variances. Recently the Board has dealt with issues related to floor area ratio standards, definitions related to calculation of floor area, size and location of detached garages, setbacks of patios and setbacks of existing nonconforming structures where additions are proposed, among others. The Board’s recommendations for changes to the zoning ordinance are discussed in more detail below.

1. Definitions – Borough Code §215-8. Many of the definitions in the zoning ordinance have not been updated in some time and should be reviewed and amended as necessary. Of particular note are definitions for cellar, basement, building height and structure, all of which have been implicated in recent applications and require clarification. New definitions may be added so the ordinance is more comprehensive. “The Complete Illustrated Book of Development Definitions” is considered the treatise on defining land use-related terms and should be consulted for guidance on an update of current definitions as well as those that may need to be added.
2. The Municipal Land Use Law was amended in 2022 to include provisions requiring EV charging infrastructure for multifamily developments and parking areas. New

provisions also exempt certain installations of EV charging stations and infrastructure from site plan approval and deem such use a permitted accessory use in all zoning districts within a municipality. A model ordinance has been provided by the Department of Community Affairs and the Board recommends these standards be incorporated into the zoning ordinance.

3. Standby generators have become normal fixtures for many homes and commercial businesses in the Borough. The Board recommends standards be developed to ensure appropriate controls are in place regulating placement, setback and screening of these accessory structures. As the issue of air-conditioning compressors is already addressed in §215-66.1, amendment of this section to also address generators would be appropriate.
4. Article V of the zoning ordinance regulates nonconforming uses and structures. Presently the language in §215-52.B and §215-57 seems to intend to permit additions for nonconforming structures without the need for variance relief provided the degree of nonconformity is not increased. The Board should determine the intent of these sections and revise them as needed.
5. Definitions for the terms “reconstruction”, “partial reconstruction” and “total reconstruction” should be provided and specific regulations for each should be developed.
6. Presently accessory structures such as sheds, garages and gazebos are regulated in §215-12. This section of the ordinance should be reviewed and amended to address garage height limitations and to potentially include separate setback requirements for at-grade accessory structure such as patios.
7. The schedule of area, yard and building regulations should be amended to include setback requirements for existing attached homes in all zoning districts, particularly side yard setback standards and to include the Floor Area Ratio and Floor Area limits for each Zone. Consideration should be given to utilizing front yard setback standards in residential districts that are related to the prevailing setback, as many dwellings, particularly along North and South Main Street in the R-80 zone, do not meet current requirements.
8. The issue of floor area and floor area ratio should be revisited in conjunction with the review of definitions in the zoning ordinance. Several recent applications have been reviewed related to maximum floor area, all of which were approved after appearing more than reasonable based on the character of the lots. Consideration also needs to be given to what areas of a house contribute to the calculation of floor area.
9. In recent years, the board has received a growing number of variance applications related to the creation of dwelling units over detached garages. The apparent goal of the Borough's one dwelling unit per lot limit is to prevent the creation of rental apartments. Typically, however, applicants are now seeking to create living spaces for family members, some of whom are elderly or disabled. One such variance application was recently granted. The board should discuss the intent of this rule and determine the conditions under which this use is acceptable. This should be included in future discussion about Accessory Dwelling Units.
10. Requirements in the ordinance related to lighting should be reviewed and a more comprehensive set of regulations should be adopted.
11. Signage standards in the zoning ordinance should be reviewed and revised as necessary, including lighting related to signage and the use of neon and LED signs.



12. The issue of keeping poultry within the Borough should be considered to determine if regulations are appropriate.
13. Structures placed on properties to permit donation of clothing and other items is a recurring issue in the Borough. Potential regulations should be explored.
14. Review of whether standards should be implemented for driveways related to minimum and maximum width and setback from property lines.
15. The Board recommends the exceptions to the requirement for site plan approval in §163-4 be reviewed and amended as necessary. The current exception in §163-4A creates a potentially subjective judgment and clarifying language is needed.
16. The Board recommends that the Council consider regulations related to the provision of wireless telecommunications service.
17. The issues discussed in Section C above related to the COVID-19 pandemic should be considered as potential amendments to the zoning ordinance.

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

Presently the Borough has no designated redevelopment areas within its borders, although consideration of potential redevelopment areas seems likely. At the point when redevelopment areas are considered, they should be incorporated into the zoning ordinance and shown on the zoning map.

**F. The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts and, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.**

In reviewing the Borough's zoning scheme and current land use characteristics, the Board recommends that public electric vehicle infrastructure be located primarily within nonresidential zoning districts along Route 31 and within the Borough's public parking lot adjacent to the municipal building. While located only partially within the Borough, the Pennington Center, which contains Pennington Quality Market, Walgreens and many other retail and service uses, may be the most appropriate location for such infrastructure, as its parking lot is expansive and largely underutilized.



## **Appendix A – Demographic Data**



The latest US Census was conducted in 2020. The most recently available data is presented here with the data source cited within each table. It should be noted that some of the data is from the 2020 American Community Survey (ACS), which provides more detailed data than currently available Census Data, as not all Census products have been released to date. It should also be noted that ACS data is an estimate, therefore both datasets are presented but differences may exist.

Table A-1 depicts the occupancy status of the housing units in the Borough, the County, and the State. All three geographies follow a similar trend, where the number of occupied units is above 90%. The State has slightly more vacant units with 9% being vacant, compared to the Borough's 6%. Census

**TABLE A-1: Unit Occupancy Status for Pennington Borough, Mercer County and New Jersey, 2020**

Unit Occupancy Status (Census 2020)	Pennington Borough		Mercer County		New Jersey	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Total housing units	1,088	-	150,442	-	3,761,229	-
Occupied Units	1,028	94%	139,361	93%	3,426,102	91%
Vacant Units	60	6%	11,081	7%	335,127	9%

*Data Source: U.S. Census Bureau, 2020 Census Tables H1*

According to the 2020 ACS, the Borough had 1,146 housing units, of which 1,006 (87.8%) were occupied. This occupancy rate is lower than Mercer County and the State. Of the occupied units, 752 were owner-occupied (74.8%) and 254 were renter-occupied (25.2%). The rental vacancy rate in the Borough was 0%, which is significantly lower than the County and the State. The Borough's home-owner vacancy rate was 0.8%. Table A-2 identifies the occupancy and vacancy of housing units in the Borough, Mercer County and New Jersey by ownership.

TABLE A-2: Unit Occupancy Status for Pennington Borough, Mercer County and New Jersey, 2020

Unit Occupancy Status	Pennington Borough		Mercer County		New Jersey	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Occupied housing units	1,006	87.8%	131,440	90.6%	3,272,054	90.2%
Owner-occupied	752	74.8%	83,468	63.5%	2,094,427	64.0%
Renter-occupied	254	25.2%	47,972	36.5%	1,177,627	36.0%
Vacant housing units	140	12.2%	13,675	9.4%	356,678	9.8%
For rent	0	0.0%	1,713	12.5%	54,735	15.3%
Rented, not occupied	0	0.0%	171	1.3%	8,923	2.5%
For sale only	6	4.3%	1,273	9.3%	30,960	8.7%
Sold, not occupied	0	0.0%	88	0.6%	15,532	4.4%
Seasonal, recreational, or occasional use	14	10.0%	1261	9.2%	134,412	37.7%
For migrant workers	0	0.0%	0	0.0%	196	0.1%
All other vacant	120	85.7%	9,169	67.0%	111,920	31.4%
<b>Total</b>	<b>1,146</b>		<b>145,115</b>		<b>3,628,732</b>	
Home-owner vacancy rate	0.8		1.5		1.4	
Rental vacancy rate	0		3.4		4.4	

*Data Source: U.S. Census Bureau, 2020 5-Year American Community Survey, Tables DP04 and B25004*

Table A-3 identifies the occupied units in a structure by tenure. The term "tenure" refers to whether a unit is owner-occupied or renter occupied. The Borough's housing stock consists primarily of single-family detached units (66.6%) and single-family attached units (14.4%). The majority of owner-occupied units are in single-family detached structures whereas most renter-occupied units in Pennington are in multi-unit structures.

TABLE A-3: Units in Structure by Tenure for Occupied Units for Pennington Borough, 2020

Units in Structure	Total Occupied		Owner-Occupied		Renter-Occupied	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
1, detached	670	66.6%	612	91.3%	58	8.7%
1, attached	145	14.4%	111	76.6%	34	23.4%
2	20	2.0%	5	25.0%	15	75.0%
3 or 4	18	1.8%	0	0.0%	18	100.0%
5 to 9	12	1.2%	0	0.0%	12	100.0%
10 to 19	26	2.6%	20	76.9%	6	23.1%
20 to 49	4	0.4%	4	100.0%	0	0.0%
50 or more	111	11.0%	0	0.0%	111	100.0%
Mobile home	0	0.0%	0	0.0%	0	0.0%
Boat, RV, van, etc.	0	0.0%	0	0.0%	0	0.0%
<b>Total Occupied Units</b>	<b>1,006</b>	<b>100.00%</b>	<b>752</b>	<b>74.8%</b>	<b>254</b>	<b>25.2%</b>

*Data Source: U.S. Census Bureau, 2020 5-Year American Community Survey, Table B25032*

Table A-4 compares the year of construction for all dwelling units in Pennington to that of Mercer County and the State. The Borough, the County, and the State follow similar trends when it comes to residential development. However, the Borough did experience more residential development than the County and the State from 1990 to 1999.

TABLE A-4: Comparison of Year of Construction for Occupied Housing Units in Pennington Borough, Mercer County and New Jersey, 2020

Year Built	Pennington Borough		Mercer County		New Jersey	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
2014 or later	4	0.4%	2363	1.80%	67,134	2.05%
2010 - 2013	5	0.5%	1907	1.45%	57,712	1.76%
2000 - 2009	24	2.4%	10733	8.17%	282,618	8.64%
1990 - 1999	196	19.5%	11763	8.95%	324,958	9.93%
1980 - 1989	99	9.8%	15725	11.96%	386,902	11.82%
1970 - 1979	76	7.6%	14876	11.32%	412,436	12.60%
1960 - 1969	55	5.5%	17555	13.36%	440,305	13.46%
1950 - 1959	143	14.2%	21211	16.14%	487,253	14.89%
1940 - 1949	47	4.7%	8422	6.41%	231,644	7.08%
Pre-1940	357	35.5%	26885	20.45%	581,092	17.76%
Total Occupied Units	1,006	100%	131,440	100%	3,272,054	100%

*Data Source: U.S. Census Bureau, 2020 5-Year American Community Survey, Table B25036*

Table A-5 indicates that Pennington has a large percentage of 3- and 4- bedroom units, accounting for almost 60% of the occupied housing stock. Owner-occupied units tended to be larger, with over 50% of all owner-occupied units having three bedrooms or more and no owner-occupied units with no bedrooms. The majority of owner-occupied units had four bedrooms. This is compared to only .7% of all renter-occupied units having four bedrooms and no renter-occupied units with five bedrooms or more. The majority of renter-occupied units had none, one or two bedrooms.

**TABLE A-5: Bedrooms per Unit by Tenure for Occupied Units for Pennington Borough, 2020**

Number of Bedrooms	Total Occupied Units	Percent of Total Occupied Units	Owner-Occupied		Renter-Occupied	
			Estimate	Percent	Estimate	Percent
No bedroom	56	5.6%	0	0.0%	56	5.6%
1 bedroom	113	11.2%	45	4.5%	68	6.8%
2 bedrooms	158	15.7%	75	7.5%	83	8.3%
3 bedrooms	255	25.3%	215	21.4%	40	4.0%
4 bedrooms	344	34.2%	337	33.5%	7	0.7%
5 or more bedrooms	80	8.0%	80	8.0%	0	0.0%
Total Occupied Housing Units:	1,006	1	752	74.8%	254	25.25%

*Data Source: U.S. Census Bureau, 2020 5-Year American Community Survey, Table B25042*



The last factors used to describe the municipal housing stock are the housing values and gross rents for residential units. Regarding values, the ACS offers a summary of housing values, presented in Table A-6, which indicates that in 2020, 91.3% of all owner-occupied residential properties in the Borough were valued over \$200,000, which is a higher percentage than the County (71.5% of occupied units) and higher than the State (80.6% of occupied units). Almost 60% of the occupied units were valued at \$500,000 or more, compared to 21% of occupied units in the County and 24.6% of occupied units in the State. The median housing value was \$553,100 which is significantly higher than the County and the State.

TABLE A-6: Value for All Owner-Occupied Housing Units for Pennington Borough, Mercer County and New Jersey, 2020

Value Range of Units	Pennington Borough		Mercer County		New Jersey	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Less than \$50,000	4	0.5%	2008	2.4%	47785	2.3%
\$50,000-\$99,999	22	2.9%	6215	7.4%	58751	2.8%
\$100,000-\$149,999	10	1.3%	6103	7.3%	107234	5.1%
\$150,000-\$199,999	29	3.9%	9449	11.3%	192155	9.2%
\$200,000 to \$299,999	73	9.7%	19887	23.8%	450492	21.5%
\$300,000 to \$499,999	167	22.2%	22274	26.7%	722055	34.5%
\$500,000 +	447	59.4%	17532	21.0%	515955	24.6%
Total	752	100%	83,468	100%	2,094,427	100%
Median value	\$553,100		\$290,100		\$343,500	

*Data Source: U.S. Census Bureau, 2020 5-Year American Community Survey, Tables B25075 and B25077*

The data in Table A-7 indicates that in 2020, 37.6% of the leased units paid between \$1,000 and \$1,499 per month in rent. For the County and State, the highest rent range was the same with 38.7% for the County and 37.8% for the State. The median gross rent in the Borough was higher for both the County and the State.

**TABLE A-7: Gross Rents (2020 dollars) for Renter-Occupied Housing Units for Pennington Borough, Mercer County and New Jersey, 2020**

Gross Rent (2020 dollars)	Pennington Borough		Mercer County		New Jersey	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Occupied units paying rent	210	-	46,628	-	1,141,613	-
Less than \$500	0	0.0%	4,874	10.5%	86,797	7.6%
\$500 to \$999	6	2.9%	7,581	16.3%	167,177	14.6%
\$1,000 to \$1,499	79	37.6%	18,026	38.7%	431,258	37.8%
\$1,500 to \$1,999	75	35.7%	8,942	19.2%	266,946	23.4%
\$2,000 to \$2,499	28	13.3%	4,245	9.1%	105,223	9.2%
\$2,500 to \$2,999	4	1.9%	1,609	3.5%	44,347	3.9%
\$3,000 or more	18	8.6%	1,351	2.9%	39,865	3.5%
No rent paid	44		1,344		36,014	
Median Gross Rent	\$1,633		\$1,311		\$1,368	

*Data Source: U.S. Census Bureau, 2020 5-Year American Community Survey Table DP04*

The data in Table A-8 indicates that, in 2020, there were 254 renter households. Of these, 116 households (45.7% of renter households) were paying 35% or more of their income for rent, with the percentage not computed for 44 households (17.3% of renter households).

A figure of 30% is considered the limit of affordability for rental housing costs. 116 households or 45.7%, of the renters paid more than 30% of the household income for rent. Most of these (157 households) had an annual household income between \$10,000 and \$19,000.

The most common household income range was \$75,000 - \$99,000 and \$100,000 or more (each with 57 renter households).

TABLE A-8: Household Income by Gross Rent as a Percentage of Household Income for Pennington Borough, 2020

Income	Households	Percentage of Household Income					
		0- 19.9%	20- 24.9%	25- 29.9%	30- 34.9%	35% +	Not computed
< \$10,000	16	0	0	0	0	16	0
\$10,000 - 19,999	36	0	0	0	0	36	0
\$20,000 - 34,999	36	0	0	0	0	16	20
\$35,000 - 49,999	15	0	0	0	0	15	0
\$50,000 - 74,999	37	0	11	5	0	15	6
\$75,000 - 99,999	57	0	6	26	0	18	7
\$100,000 or more	57	30	16	0	0	0	11
Total	254	30	33	31	0	116	44
Percent Total	100.00%	11.8%	13.0%	12.2%	0.0%	45.7%	17.3%

Data Source: U.S. Census Bureau, 2020 5-Year American Community Survey, Table B25074

Table A-9 details the indicators of housing deficiency in the Borough. As one can depict 35 occupied housing units lack kitchen facilities and 15 housing units no telephone service.

TABLE A-9: Indicators of Housing Deficiency, 2020

Total Number of Occupied Housing Units	Lack of Plumbing	Lack of Kitchen	No Telephone Service
1,006	0	35	15

Data Source: U.S. Census Bureau, 2020 5-Year American Community Survey, Table DP04

The 2020 Census indicates that the Borough had 2,802 residents, or 217 more residents than in 2010, representing a population increase of 8.4%. In the previous 10 years from 2000 to 2010, the Borough's population had decreased by 4.6% or 111 residents. The 4.6% decrease from 2000 to 2010 is opposite the trend at the County and State level where both populations increased by 4.5%. The increase from 2010 to 2020 is slightly higher than the increases at the County and State levels at 5.7% respectively. The largest increase in the Borough's history was between 1950 and 1960 with a 22.7% increase, compared to a 15.9% increase in the County and 25.5% increase in the State. The changing population between 1930 and 2020 in Pennington Borough, Mercer County and New Jersey is shown in Table A-10 below.

TABLE A-10: Comparison of Population Trends for Pennington Borough, Mercer County and New Jersey, 1930 to 2020

Year	Pennington Borough			Mercer County			New Jersey		
	Persons	Number Change	Percent Change	Persons	Number Change	Percent Change	Persons	Number Change	Percent Change
1930	1,335			187,143			4,041,334		
1940	1,492	157	11.8%	197,318	10,175	5.4%	4,160,165	118,831	2.9%
1950	1,682	190	12.7%	229,781	32,463	16.5%	4,835,329	675,164	16.2%
1960	2,063	381	22.7%	266,392	36,611	15.9%	6,066,782	1,231,453	25.5%
1970	2,151	88	4.3%	304,116	37,724	14.2%	7,171,112	1,104,330	18.2%
1980	2,109	-42	-2.0%	307,863	3,747	1.2%	7,365,011	193,899	2.7%
1990	2,537	428	20.3%	325,824	17,961	5.8%	7,730,188	365,177	5.0%
2000	2,696	159	6.3%	350,761	24,937	7.7%	8,414,350	684,162	8.9%
2010	2,585	-111	-4.1%	366,513	15,752	4.5%	8,791,894	377,544	4.5%
2020	2,802	217	8.4%	387,340	20,827	5.7%	9,288,994	497,100	5.7%

*Data Sources: U.S. Census Bureau, 2000, 2010, & 2020 Census Dataset SF-2, Table P1 & DP01; New Jersey Department of Labor and Workforce Development, New Jersey State Data Center 1990 Census, Table 6. New Jersey Resident Population by Municipality: 1930 - 1990*

Table A-11 shows the change in the Borough's population distribution across the various age cohorts between 2010 and 2020. The 20-34 age group had the most increase (37.3%) in the time period. Population in Under 5, 5-19, 35-64, and 55-64 age groups decreased, whereas population within all other age groups increased. The median age increased by 3.8 years due to fewer people in the younger age groups (Under 5).

TABLE A-11: Population Growth in 10 Years, Pennington Borough, 2010 to 2020

Age Cohorts of Resident Population	Total Persons, 2010		Total Persons, 2020		Change, 2010-2020	
	Number	Percent	Number	Percent	Number	Percent
Under 5	167	6.4%	111	4.3%	-55.72	-33.4%
5 – 19	623	23.9%	487	19.1%	-135.595	-21.8%
20 – 34	221	8.5%	304	11.9%	82.575	37.3%
35 – 54	836	32.1%	667	26.1%	-169.205	-20.2%
55 – 64	346	13.3%	345	13.5%	-1.465	-0.4%
65 +	412	15.8%	639	25.0%	227.41	55.3%
Total	2,605	-	2,553	-	-52	-
Median Age	42.1		48.1		6	

*Data Source: U.S. Census Bureau, 2010 Census Datasets SF-2, Table DP01; U.S. Census Bureau, 2020 5-Year American Community Survey Table S0101*

Table A-12 compares the Borough to the County and State for the same age categories. The Borough's population distribution in 2020 was roughly the same as that of the County and the State. The median age for Borough residents was slightly higher than that of the County and higher than that of the State.

TABLE A-12: Comparison of Age Distribution for Pennington Borough, Mercer County and New Jersey, 2020

Age of Population	Pennington Borough		Mercer County		New Jersey	
	Number	Percent	Number	Percent	Number	Percent
Under 5	111	4.3%	20,734	5.6%	518,349	5.8%
5 – 19	487	19.1%	70,766	19.2%	1,648,081	18.5%
20 – 34	304	11.9%	74,108	20.1%	1,694,776	19.1%
35 – 54	667	26.1%	97,832	26.6%	2,369,317	26.7%
55 – 64	345	13.5%	48,291	13.1%	1,211,957	13.6%
65 +	639	25.0%	56,354	15.3%	1,442,938	16.2%
Total	2,553	100%	368,085	100%	8,885,418	100%
Median Age	48.1		38.8		40	

*Data Source: U.S. Census Bureau, 2020 5-Year American Community Survey Table S0101*

Table A-13 compares the Borough to the County and the State in terms of race and ethnicity of the population. A much higher percentage of the Borough's population identifies as white (88%) than in the County (44%) and the State (52%). A correspondingly lower percentage identifies with the other major groups in the County and State – Black or African American, Asian or Hispanic.

TABLE A-13: Race and Ethnicity in Pennington Borough, Mercer County and New Jersey, 2020

Race & Ethnicity	Pennington Borough		Mercer County		New Jersey	
	Number	Percent	Number	Percent	Number	Percent
White alone	2466	88.01%	168,580	43.52%	4,816,381	51.85%
Black or African American alone	45	1.61%	72,364	18.68%	1,154,142	12.42%
American Indian and Alaska Native alone	4	0.14%	427	0.11%	11,206	0.12%
Asian alone	83	2.96%	48,330	12.48%	942,921	10.15%
Native Hawaiian and Other Pacific Islander	0	0.00%	106	0.03%	1,944	0.02%
Other	6	0.21%	1,879	0.49%	70,354	0.76%
Multi-racial	110	3.93%	11,477	2.96%	289,471	3.12%
NOT HISPANIC OR LATINO TOTAL	2714	96.86%	303163	78.27%	7,286,419	78.44%
Hispanic or Latino	88	3.14%	84,177	21.73%	2,002,575	21.56%

*Data Source: U.S. Census Bureau, 2020 Census Datasets P-2*

Table A-14 compares the household income for the Borough, County and State. The largest income category in the Borough was those earning more than \$200,000 or more (26.8% of households) compared to 15% in the County and 14.8% in the State for the same income range.

TABLE A-14: Comparison of Household Income for Pennington Borough, Mercer County and New Jersey, 2020

Household Income Range	Pennington Borough		Mercer County		New Jersey	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Total households	1,006	100%	131,440	100%	3,272,054	100%
Less than \$10,000	19	1.9%	7,919	6.0%	154,067	4.7%
\$10,000 to \$14,999	25	2.5%	4,634	3.5%	100,910	3.1%
\$15,000 to \$24,999	47	4.7%	9,409	7.2%	219,123	6.7%
\$25,000 to \$34,999	31	3.1%	8,333	6.3%	217,121	6.6%
\$35,000 to \$49,999	31	3.1%	10,786	8.2%	295,724	9.0%
\$50,000 to \$74,999	95	9.4%	18,351	14.0%	473,023	14.5%
\$75,000 to \$99,999	137	13.6%	15,908	12.1%	401,811	12.3%
\$100,000 to \$149,999	213	21.2%	22,879	17.4%	583,829	17.8%
\$150,000 or \$199,999	138	13.7%	13,566	10.3%	341,209	10.4%
\$200,000 or more	270	26.8%	19,655	15.0%	485,237	14.8%
Median household income	\$135,000		\$83,306		\$85,245	
Mean household income	\$168,052		\$120,965		\$117,868	

*Data Source: U.S. Census Bureau, 2020 American Community Survey Estimates for Borough, County and State, Table DP03*



Table A-15 addresses the lower end of the income spectrum, providing data on poverty levels for persons and families in 2020. The percentage of population estimated to be below poverty level in the Borough (1.4%) was significantly lower than the County (11.1%) and the State (9.7%). The Over 65 age cohort had the highest percentage of persons below poverty level (3.6% of total persons in the age cohort), compared to 8% in the County and 8.4% in the State.

**TABLE A-15: Poverty Status in the Past 12 Months for Pennington Borough, Mercer County and New Jersey, 2020**

Poverty Status	Pennington Borough			Mercer County			New Jersey		
	Total Estimated Persons	Estimated Below Poverty Level	Percent Below Poverty Level	Total Estimated Persons	Estimated Below Poverty Level	Percent Below Poverty Level	Total Estimated Persons	Estimated Below Poverty Level	Percent Below Poverty Level
Population for whom poverty status is determined	2,553	37	1.4%	351,713	39,057	11.1%	8,713,792	842,704	9.7%
<b>AGE GROUP</b>									
Under 18	558	4	0.7%	77,808	11,908	15.3%	1,930,346	257,552	13.3%
18 to 64	1356	10	0.7%	219,407	22,795	10.4%	5,378,854	466,647	8.7%
Over 65	639	23	3.6%	54,498	4,354	8.0%	1,404,592	118,505	8.4%
<b>GENDER</b>									
Male	1,199	9	0.8%	171,555	16,520	9.6%	4,241,929	367,044	8.7%
Female	1,354	28	2.1%	180,158	22,537	12.5%	4,471,863	475,660	10.6%
<b>EMPLOYMENT STATUS</b>									
Worked full-time*	902	0	0.0%	126,949	2,014	1.6%	3,191,754	57,411	1.8%
Worked less than full-time*	528	10	1.9%	63,594	7,775	12.2%	1,622,558	169,946	10.5%
Did not work	647	23	3.6%	92,580	18,219	19.7%	2,195,351	383,372	17.5%

*\* Worked year-round for the past 12 months*

*Data Source: U.S. Census Bureau, 2020 American Community Survey Estimates for Borough, County and State, Table S1701*

According to the data in Table A-16, the Borough has less families qualifying for poverty status than the County and the State. The percentages of families of poverty status in the Borough have decreased significantly between 2010 and 2020. Across all age cohorts the number of people below the poverty level has decreased. The Under 18 age cohort has the largest percentage below the poverty level with 7%.

TABLE A-16: Comparison of Poverty Status for Persons and Families for Pennington Borough, Mercer County and New Jersey, 2010 and 2020 (% with income below poverty)

Percentage of Families and Persons Below Poverty Level	Pennington Borough		Mercer County		New Jersey	
	2010 ACS	2020 ACS	2010 ACS	2020 ACS	2010 ACS	2020 ACS
All families	6.2%	0.5%	7.4%	7.7%	6.7%	7.0%
Married couple families	1.0%	0.0%	2.7%	3.4%	3.0%	3.4%
All people	6.0%	1.4%	10.1%	11.1%	9.1%	9.7%
Under 18 years	11.2%	7.0%	14.1%	15.3%	12.7%	13.3%
18 to 64 years	4.1%	0.7%	9.3%	10.4%	8.0%	8.7%
65 years and over	2.9%	3.6%	6.8%	8.0%	7.9%	8.4%

*Data Source: U.S. Census Bureau, 2020 American Community Survey Estimates for Borough, County and State, Table DP03; 2006-2010 American Community Survey 5-Year Estimates, Table DP03*

Table A-17 compares educational attainment for Borough, County, and State for residents over 25 years of age. The data indicates that the percentage of Borough residents with a high school diploma or more and the percentage with a bachelor's degree or higher exceeds that of the County and the State. A high proportion of residents in the Borough (44.1% of persons 25 years and older) have graduate or professional degrees.

TABLE A-17: Educational Attainment (of persons 25 years and over) for Pennington Borough, Mercer County and New Jersey, 2020

Education Level	Pennington Borough		Mercer County		New Jersey	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Population 25 years and over	1,817	-	248,245	-	6,169,501	-
Less than 9th grade	0	0.0%	11,469	4.6%	287,866	4.7%
9th to 12th grade, no diploma	32	1.8%	14,288	5.8%	312,895	5.1%
High school graduate (includes equivalency)	188	10.3%	63,046	25.4%	1,649,853	26.7%
Some college, no degree	173	9.5%	36,284	14.6%	996,254	16.1%
Associates degree	55	3.0%	15,094	6.1%	409,571	6.6%
Bachelors degree	567	31.2%	57,526	23.2%	1,530,150	24.8%
Graduate or professional degree	802	44.1%	50,538	20.4%	982,912	15.9%
Percent high school graduate or higher	98.20%		89.60%		90.30%	
Percent bachelors degree or higher	75.30%		43.50%		40.70%	

*Data Source: U.S. Census Bureau, 2020 5-Year American Community Survey, Table S1501*

The ACS also provides data on the commuting characteristics of the residents, including the means of transportation that people use to reach their place of work, commute times and number of vehicles households have. Table A-18 compares the means of transportation for the Borough, County, and State relative to driving alone, carpooling, using public transit, and other means of transportation. The Borough has more people who drive alone (75.3%) than the County (79.1%) and the State (77.4%) average. The use of public transportation as well as people who worked from home is lower than the County and the State. Only .5% of people biked to work, which is slightly higher than the County and the State.

TABLE A-18: Means of Transportation to Work (of workers 16 years old and over) for Pennington Borough, Mercer County and New Jersey, 2020

Means of Transportation	Pennington Borough	Mercer County	New Jersey
Workers 16 years and over	1,265	174,502	4,332,443
Car, truck, or van	79.1%	79.1%	77.4%
Drove alone	75.3%	68.5%	69.6%
Carpooled	3.8%	10.6%	7.8%
Public transportation (excluding taxicab)	4.8%	6.7%	10.8%
Walked	5.5%	3.9%	2.6%
Bicycle	0.5%	0.3%	0.3%
Taxicab, motorcycle, or other means	0.8%	1.3%	1.6%
Worked at home	9.4%	8.7%	7.3%

*Data Source: U.S. Census Bureau, 2020 5-Year American Community Survey, Table S0801*

Table A-19 shows that for the Borough, County, and the State the percentage of people employed is relatively the same, with about 60% of the population over 16 employed. The percentage of people unemployed is slightly lower in the Borough when compared to the County and State. Additionally, the Borough has a slightly higher percentage of people not in the labor force, at 37.1% compared to 36.2% at the County and 34.2% at the State level.

TABLE A-19: Employment Status for Pennington Borough, Mercer County and New Jersey, 2020

Employment Status	Pennington Borough		Mercer County		New Jersey	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Employed	1265	60.9%	179,189	60.0%	4,426,619	61.8%
Unemployed	41	2.0%	11,459	3.8%	271,795	3.8%
Armed Forces	0	0.0%	91	0.0%	10,692	0.1%
Not In Labor Force	771	37.1%	108,119	36.2%	2,452,078	34.2%
Population 16 years and Older	2,077		298,858		7,161,184	

*Data Source: U.S. Census Bureau, 2020 5-Year American Community Survey, Table DP03*