

HOPEWELL TOWNSHIP PLANNING BOARD

RESOLUTION NO. 19-014

**RESOLUTION CONCERNING ADOPTION OF AN ORDINANCE
AMENDING CHAPTER XVII (ARTICLE IX, 17-168)
OF THE CODE OF THE TOWNSHIP OF HOPEWELL ENTITLED
THE HOPEWELL TOWNSHIP “LAND USE AND DEVELOPMENT ORDINANCE”
(RO-1, 2 AND 3 DISTRICTS: RESEARCH/OFFICE DISTRICTS (BMS))**

WHEREAS, the Township Committee of the Township of Hopewell, at its June 3, 2019 meeting, has introduced an ordinance amending and supplementing Chapter XVII (Article IX, 17-168) of the Hopewell Township Land Use and Development Ordinance (RO-1, 2 and 3 Districts: Research/Office Districts (BMS)); and

WHEREAS, pursuant to N.J.S.A. 40:55D-26a, the Township Committee has referred the Ordinance to the Hopewell Township Planning Board to identify any provisions in the proposed Ordinance which are inconsistent with the Master Plan and make recommendations concerning the inconsistencies and any other matters as the Board deems appropriate; and

WHEREAS, at the Hopewell Township Planning Board’s regular meeting on June 12, 2019, the Board reviewed the Ordinance as well as a consistency review of the Ordinance in a Memorandum dated June 10, 2019 prepared by Banisch Associates, Inc, presented by Francis Banisch of Banisch Associates, Inc; and

WHEREAS, the Planning Board, pursuant to law, has made the following findings of fact and conclusions:

1. After reviewing the goals and objectives of the Master Plan, the Planning Board finds that the proposal to permit manufacturing and assembly uses as conditional uses in the RO-1 zone is inconsistent with the intent and purposes of the Land Use Plan element of the Master Plan. The proposal to allow manufacturing uses on 20-acre lots will not retain the essential character that these zones were designed to create and is not consistent with the intent of the RO zone.
2. Nonetheless, among the “Economic Development” goals of the Master Plan is “broadening the tax base”. This is a sound approach to land use planning when done in a manner that can “compliment the existing character of the community” with “design features” that provide “visual and functional compatibility” as indicated in the 2002 Master Plan. Since BMS is a major taxpayer in Hopewell Township, the loss of this facility will be felt by all taxpayers over time,

including homeowners. The proposed modification to the RO-1 zone responds to the potential for functional obsolescence and inutility of the existing built elements.

3. The Planning Board recognizes that the introduction of these manufacturing uses as conditional uses can pose potential impacts to the rural residential character that prevails in the neighborhoods surrounding BMS – particularly traffic. In recognition of this concern, the conditional use conditions established in the ordinance amendment put limits on traffic generation for the conditional uses, including a restriction on heavy truck volumes and the requirement to follow traffic mitigation measures required by the approved GDP. The Planning Board will pay close attention to the details of any changes at the campus and will work to mitigate any negative impacts during subdivision and site plan review.
4. The Planning Board also notes that the Municipal Land Use Law includes a variety of master plan elements that a town may enact, most of which Hopewell Township has adopted. One plan element that has not been prepared is the Economic Plan Element, found at N.J.S.A. 40:55D-28 which provides as follows:

“(9) An economic plan element considering all aspects of economic development and sustained economic vitality, including (a) a comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the labor pool resident in the municipality and nearby areas and (b) an analysis of the stability and diversity of the economic development to be promoted;”

5. Given that most of the economic development expected in the Township will occur or has occurred in known locations along the highways, the most important part of an economic plan may well be the “analysis of the stability and diversity of the economic development” within the Township. Having seen the dramatically changing fortunes of corporate campuses across New Jersey, even at interstate highway interchange locations like the Merrill Lynch campus, it appears to the Planning Board that the economic development goals of the Township could use better definition and refinement. Preparation of an economic plan element could help chart a long term course to preserve and improve the Township’s fiscal health that does not threaten settled neighborhood character.
6. Based on these findings, the Planning Board concludes that the intent of the Master Plan for the RO-1 zone as follows:
 - a) As noted above, the intent of the Master Plan for the RO-1 zone would not promote the subdivision of the BMS campus into 20-acre parcels for manufacturing and assembly uses.

However, after decades as a Mobil Oil research facility and later BMS, the site is being sold by BMS and it appears that there are no users on the horizon for such a facility.

- b) This is reflective of the trend where single user campuses, far from the interstate highways, are losing their tenants or being sold by their owners. As a result, it is logical that the Township Committee would look to find ways that the BMS campus can be retained as a major ratable. The addition of the proposed conditional use appears to be a limited and rational response to the dilemma posed by the departure of BMS, but the Planning Board remains concerned that non-residential truck traffic not be allowed to expand substantially.
- c) The Planning Board can also aid in fortifying the economic base of the Township by preparing an economic plan element of the master plan.

NOW, THEREFORE, BE IT RESOLVED on this 12th day of June, 2019, by the Planning Board of the Township of Hopewell, County of Mercer, New Jersey, that the Planning Board has determined that the proposed ordinance is inconsistent with the intent and purposes of the Master Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED that notwithstanding the inconsistencies with the Master Plan, the Planning Board feels that appropriate controls have been included in the ordinance and hereby recommends that the ordinance be adopted by the Township Committee.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board hereby directs the Assistant Secretary to forward this Resolution and the June 10, 2019 Banisch memorandum to the Township Clerk for Township Committee consideration.

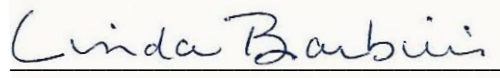
VOTE ON THE RESOLUTION – June 12, 2019

Yes - 5 No - 1 Absent - 4 Abstain - 0 Not Voting - 1

Belmont:	Yes	Murphy:	Yes
Khare:	Absent	Parker:	Yes
Kiss:	Absent	Peters-Manning:	Absent
Kuchinski:	Not Voting	Swanson:	No
McLaughlin:	Yes	Sandom:	Yes
		Peterson:	Absent

CERTIFICATION

I hereby CERTIFY that the foregoing is a true copy of a Resolution adopted by the Hopewell Township Planning Board at a duly advertised meeting held on June 12, 2019, at which a quorum was present.


 Linda Barbieri
 Assistant Secretary

Memorandum

To: Hopewell Township Committee
From: Hopewell Township Planning Board
Date: June 10, 2019
Subject: Consistency Review of Ordinance Amending the RO - Research Office Zones to Permit Production and Assembly Uses as Conditional Uses in the RO-1

Background

The Township Committee has forwarded to the Planning Board an ordinance amending the RO - 1 Zone (Bristol Myers Squibb) to permit production and assembly uses, unrelated to research, as conditional uses in the area with GDP approval. and to specify the conditions applicable to this use. No changes are proposed to the RO-2 and RO-3 Zones. The ordinance has been sent to the Board in accordance with the Board's Referral Powers under NJSA 40:55D-26 of the Municipal Land Use Law (MLUL). This section reads in pertinent part:

“40:55D-26 Referral powers.

a. Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions of the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate. The governing body, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the planning board and may disapprove or change any recommendations by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations

Consistency with Hopewell Township Master Plan

The Board has compared the proposed ordinance to the 1992, 2002 and 2009 Land Use Plans. The discussion of the RO zones in the 1992 plan cited the reason for the existence of these zones and cautioned against creating such zones in the future in order to protect community character.

The three office/research facilities of AT&T, Mobil and Janssen Pharmaceutica are shown on the plan. Additional sites for similar, large corporate users located off the primary road system are not proposed. These three uses were *developed at a time when the Township permitted major corporate research and office uses in the agricultural and residential areas* provided they were *on very large tracts of 100-200 acres, or more*. As a result of increasing traffic, higher demands on water resources, concerns over adequate sewage treatment, and efforts to direct

development toward the regional growth corridors, this Plan recommends no additional complexes of this type be encouraged in the valley, but instead be directed into the Route 95 growth corridor. Of the three existing uses, it is recommended the intensity of development be restricted to floor area ratios (FARs) of 10% for AT&T and Janssen and 12% for Mobil, each zone to allow modest bonus floor areas in exchange for participation in the Township's affordable housing program. These FARs are consistent with existing levels of development and/or approvals based on utility limitations, concern over increasing traffic flows, limited ground water supply, emerging residential development patterns, and similar considerations.

The 1992 Plan recommended that “no additional complexes of this type be encouraged in the valley, but instead be directed into the Route 95 growth corridor” and cited concerns over traffic impacts, limited ground water supply and “emerging residential development patterns”, which have expanded substantially in the last 27 years.

As part of the Planning Board’s review of the proposed amendment in relation to the intent of the zone plan, we examined the current statement of purpose for the zone, which reads as follows:

The purpose of these districts is to provide for *research/office uses by single owners with one or more tenant occupants on large parcels* within the township. A neighborhood of inclusionary housing is also deemed appropriate in the RO-1 District when arranged on undeveloped portions of the property, and adequately buffered from manufacturing buildings and activities. It is also intended that the provision for assisting in the development of lower income housing as set forth below be a required portion of any new development in the RO-1 District.

RO zones in Hopewell Township and throughout the region have been crafted to attract large single user campuses and a low intensity of use. In Hopewell Township, the RO zones are not situated at state or interstate highway locations, but rather they are in rural residential areas of the Township. The expansive campus development required in the RO zoning was crafted to make these areas as compatible as possible with the surrounding neighborhood.

The RO zones currently require a minimum lot area of at least 100 contiguous acres within Hopewell Township. The principal permitted uses include “offices” and “research, experimentation, design, education and development in medicine, pharmacology, chemistry, physics, engineering, and similar fields”. Thus, the RO zone is primarily intended to accommodate campus-type single users at a low intensity of development.

In Hopewell Township, “manufacturing and assembly” are only permitted in the small OL-I zone between the quarry and Route 31. The proposed amendment would expand the range of non-residential uses in the RO-1 zone to include, as conditional uses, any type of production and/or assembly use without the requirement that such activities are related to, or support the research, experimentation, design, education or development which are the primary purpose and focus of the zone. The revised ordinance would permit the subdivision of lots as small as 20 acres for these production and assembly uses.

The permitted uses prior to the proposed amendment have established the desirable low intensity campus character that prevails today. Under the proposed amendment, a multiplicity of manufacturing businesses will likely alter this established character. Traffic remains a major concern today as it was in 1992.

Since the conditional use standards would permit lots as small as 20 acres in the RO-1 zone GDP approval area, subdivision and new production/assembly uses could occur at BMS the RO-1 Zone currently permits “a neighborhood of inclusionary housing ... when arranged on undeveloped portions of the property, and adequately buffered from manufacturing buildings and activities”. Thus, the opportunities for incompatible land uses would appear to increase under the proposed amendment, as this new range of manufacturing uses may populate a series of smaller parcels and, over time, deconstruct the BMS campus and replace it in part with new development on relatively smaller lots. Principal differences between the current and proposed regulations are seen in the comparison of *Lot, Yard, Height and Coverage Requirements* below:

	<u>RO Zone Today</u>	<u>Conditional Use</u>
Min. Lot Area	<i>100 acres</i>	<i>20 acres</i>
Min. Lot Width	<i>1000'</i>	<i>200'</i>
Min. Lot Frontage	<i>--</i>	<i>200'</i>
Min. Lot Depth	<i>1000'</i>	<i>300'</i>
Min. Side Yard	<i>--</i>	<i>50'</i>
Min. Rear Yard	<i>--</i>	<i>50'</i>
Min. Setback - Public Street	<i>200'</i>	<i>200'</i>
Max. Lot Coverage	<i>25%</i>	<i>Lesser of 75% of new lot or 12.33% of GDP area</i>
Max. Building Coverage	<i>10%</i>	<i>50% of new lot</i>

Intent of the Master Plan

The 2002 Master Plan includes the following identified objective under the heading “Land Use and Management:

- *To protect and maintain* the prevailing rural character and unique sense of place of the Township, which includes diverse residential neighborhoods, *attractive non-residential uses*, historic settlement areas and scenic landscapes, which result from the natural topography, agricultural lands, woodlands and watercourses.

The 2002 Master Plan also includes the following “Community Design” objectives:

- To develop standards to ensure good visual quality and design for all land use categories.
- To ensure that new development is visually and functionally compatible with the physical character of the Township.

- To provide for a *proactive approach to physical design and community planning so that adjacent land uses function compatibly and harmoniously in terms of scale and location.*
- To improve the visual and physical appearance of developed areas while *protecting residential neighborhoods from encroachment by incompatible uses.*
- *To retain to the greatest extent practicable attractive vistas from public rights-of-way, including views of hills, valleys, ridgelines, woodlands, farmlands, hedge rows, stream corridors, flood plains and other natural areas.*

The “Economic Development” objectives of the 2002 Master Plan included:

- To provide for *desirable non-residential development in appropriate areas* of the Township that will *complement the existing character of the community* and aid in broadening the local tax base.
- *To coordinate such items as architectural design, access, landscaping, lighting, signs and similar design features to produce visually and functionally compatible economic development.*

Land Use Plan Inconsistency

After reviewing the goals and objectives of the Master Plan, the Planning Board finds that the proposal to permit manufacturing and assembly uses as conditional uses in the RO-1 Zone is inconsistent with the intent and purposes of the Land Use Plan element of the Master Plan. The proposal to allow manufacturing uses on 20-acre lots will not retain the essential character that these zones were designed to create and is not consistent with the intent of the RO zone.

Nonetheless, among the “Economic Development” goals of the Master Plan is “broadening the tax base”. This is a sound approach to land use planning, when done in a manner that can “compliment the existing character of the community” with “design features” that provide “visual and functional compatibility” as indicated in the 2002 Master Plan. Since BMS is a major taxpayer in Hopewell Township, the loss of this facility will be felt by all taxpayers over time, including homeowners. The proposed modification to the RO-1 Zone respond to the potential for functional obsolescence and inutility of the existing built elements.

The Planning Board recognizes that the introduction of these manufacturing uses as conditional uses can pose potential impacts to the rural residential character that prevails in the neighborhoods surrounding BMS - particularly traffic. In recognition of this concern, the conditional use conditions established in the ordinance amendment put limits on traffic generation for the conditional uses, including a restriction on heavy truck volumes, and the requirement to follow traffic mitigation measures required by the approved GDP. The Planning Board will pay close attention to the details of any changes at the campus and will work to mitigate any negative impacts during subdivision and site plan review.

The Planning Board also notes that the Municipal Land Use Law includes a variety of master plan elements that a town may enact, most of which Hopewell Township has adopted. One plan element that has not been prepared is the Economic Plan Element, found at NJSA 40:55D-28, provides as follows:

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Given that most of the economic development expected in the Township will occur or has occurred in known locations along the highways, the most important part of an economic plan may well be the “analysis of the stability and diversity of the economic development” within the Township. Having seen the dramatically changing fortunes of corporate campuses across New Jersey, even at interstate highway interchange locations like the Merrill Lynch campus, it appears to the Planning Board that the economic development goals of the Township could use better definition and refinement. Preparation of an economic plan element could help chart a long term course to preserve and improve the Township’s fiscal health that does not threaten settled neighborhood character.

Planning Board Recommendation

As noted above, the intent of the Master Plan for the RO-1 zone would not promote the subdivision of the BMS campus into 20-acre parcels for manufacturing and assembly uses. However, after decades as a Mobil Oil research facility and later BMS, the site is being sold by BMS and it appears that there are no users on the horizon for such a facility.

This is reflective of the trend where single user campuses, far from the interstate highways, are losing their tenants or being sold by their owners. As a result, it is logical that the Township Committee would look to find ways that the BMS campus can be retained as a major ratable. The addition of the proposed conditional use appears to be a limited and rational response to the dilemma posed by the departure of BMS, but the Planning Board remains concerned that non-residential truck traffic not be allowed to expand substantially.

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