

TOWNSHIP OF HILLSBOROUGH
SOMERSET COUNTY, NEW JERSEY

2002 MASTER PLAN REEXAMINATION REPORT

ADOPTED DECEMBER 12, 2002

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**2002 Periodic Reexamination Report of the Master Plan and Development Regulations
for Hillsborough Township, Somerset County, New Jersey**

Adopted on December 12, 2002
Resolution memorialized on January 9, 2003

The Municipal Land Use Law, at N.J.S.A. 40:55D-89 includes the following statement relative to the periodic examination of a municipal Master Plan:

"The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 6 years from the previous reexamination."

The Hillsborough Township Planning Board prepared Periodic Reexamination Reports in 1980, 1994 and 1999. The 1999 Reexamination Report followed the adoption in 1999 of a Master Plan Amendment for the Town Center and Main Street. The 1994 Reexamination Report was primarily focused on the 1992 Master Plan and development regulations in effect, as well as issues regarding circulation, economic development, housing, the State Development and Redevelopment Plan (SDRP) and conservation and natural resources. The Planning Board adopted the most recent Housing Plan Element and Fair Share Plan in 2002, which revised the former Housing Plan Element and Fair Share Plan adopted in 1998.

The June 1999 Reexamination Report recommended the preparation of Town Center and Main Street Plan with a SDRP center boundary, new development regulations to guide the development and redevelopment of the Town Center and to preserve open space, updated circulation, utilities, recreation, conservation and historic preservation elements for the Master Plan and new development regulations to address changes in the Municipal Land Use Law.

In October 2002, the Planning Board adopted a new Statement of Goals and Objectives and Master Plan amendments to the Land Use Plan Element and Conservation Plan Element for the Agricultural and Mountain Districts. These amendments recommended a series of changes to the Land Use Plan, including the establishment of a new zoning district/land management area, revisions to the existing Master Plan and zoning boundaries, and the incorporation of creative land subdivision techniques to address the protection of the Township's land and water resources. The new Conservation Plan Element recommended a series of policies and strategies to address the preservation, conservation and utilization of a range of natural resources, including

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energy and air quality, forest resources and native vegetation, water resources, wetlands, scenic resources, steep slopes and threatened and endangered wildlife species.

The Municipal Land Use Law (MLUL) requires consideration of the following five areas within the Reexamination Report.

C. 40:55D-89a "The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report."

There were several major problems and objectives expressed in the prior Reexamination Report. The Planning Board's desired to amend the Land Use Element to incorporate the concept of a Town Center and Main Street along Route 206. The Planning Board was concerned with coordination with the SDRP, and it expressed a desire to create a center development boundary around a Town Center with a "Main Street" core. They expressed The Board also wanted to preserve the environment, provide sufficient space for agricultural uses, prevent urban sprawl and foster density reductions in areas of the Township outside of the center development boundary. The report called for revising the Land Use Map to eliminate the 1992 Ten Year Plan and Neighborhood Map and define center boundaries and revising the Sewer Service Map and the Open Space Plan developed by the Township.

The 1999 Reexamination Report noted the importance of revising the Circulation Element to incorporate the Main Street and Town Center and the future development of bicycle routes and lanes and pedestrian facilities within the Township. The Report noted that the Township should create and adopt a Scenic Corridor Plan as an extension of the existing County Plan. The Report also suggested that the Township take advantage of State funding for bikeway construction. Significantly, the Report also noted that the Board should update and coordinate its Utilities Service Element with the 1997 sewer service areas.

The 1999 Reexamination Report also that the Recreation Plan Element should be updated and revised to include material prescribed by Green Acres as part of its planning incentive grants. Also, the Report noted that the Conservation Element should utilize NJDEP wetlands mapping and should reflect farmland preservation areas according to the Somerset County Agricultural Development Board's criteria. In addition, it recommended that the Historic Preservation Element should be updated to indicate the location and significance of historic sites and districts, and the Master Plan should reflect the cross-acceptance process with the County and the State Planning Commission.

The 1999 Reexamination Report further recommended that the Township should update its development regulations to incorporate the noncontiguous planned unit development provision, and establish standards, criteria and zone districts for the Town Center and Main Street recommendation. It called for amending Land Development Regulations in specified locations to promote age-restricted housing and incorporate a Planned Residential Cluster and Farmland Preservation Development Option in the South

Branch area. The report also recommended a mandatory provision for affordable housing and an increase in affordable housing fees where increased density or intensity of use is permitted. Finally, the report called for the use of the Mayoral designee in the absence of the Mayor to the Planning Board, updated notice requirements for zoning changes; permitting residences for the developmentally disabled and regulations governing wireless telecommunication facilities.

Finally the report recommended a number of additional items for study. It recommended looking at density reductions outside the center boundary, several natural features protection items, such as tree removal and excessive site disturbance, affordable housing fees for non-residential development, permitted uses in the Corporate Development Zone and the creation of a Home Occupation/Office Historical District.

C. 40:55D-89b "The extent to which such problems and objectives have been reduced or have increased subsequent to such date."

Since the time of the last Reexamination Report in 1999 the Township Committee and Planning Board have been actively pursuing refinements to the Township's land use and planning program to address many of the concerns expressed in the Report, as well as subsequent concerns. These efforts have mitigated some of the previous problems identified in the last Reexamination Report and have resulted in a refinement of the Township's policy objectives to the protect public health, safety and welfare and natural resources.

Since the time of the last Reexamination Report the Township Committee and Planning Board have made progress in refining the ordinances that apply to land development activities as recommended. Specifically, the Township Committee adopted an ordinance permitting a Planned Residential Cluster and a Farmland Preservation Development Option in the RS District (South Branch area) as well as the adoption Tree Preservation Ordinance.

A number of other ordinances were adopted since the last Reexamination Report. They involved:

1. Design standards and criteria for signs,
2. Fees and deposits for subdivisions and site plans,
3. Standards for rural water supplies for fire suppression,
4. Clarification of provisions on principal permitted uses per lot,
5. Modification of provisions on escrows, zoning permit fees and inspection fees,
6. Standards for community shopping centers in the O-2 zone,
7. Public meeting notices requirement for development applicants and
8. Modification to the zoning districts and standards for historic zone and the Historic Preservation Commission.

In response to a recommendation in the 1999 Reexamination Report in 2000 a Farmland Preservation Plan and Planning Incentive Grant (PIG) applications were

prepared and adopted by the Township. The Farmland Preservation Plan identifies the most productive farmlands, the land devoted to farming, the goal of preserving most of the remaining farmland and identifies key preservation planning priorities. The PIG application proposes a 5-year spending plan to purchase development easements for 400-535 acres.

Again, in response to the last Reexamination Report the Planning Board in 2002 adopted a Recreation and Open Space Master Plan, which would satisfy Green Acres grant funding requirements. In responding to the recommendation to prepare a historic Preservation Element the Planning Board adopted a Historic Preservation Plan Element in cooperation with the Township's Historic Preservation Commission.

Since the time of the last Reexamination Report the State Planning Commission adopted a revised State Development and Redevelopment Plan (SDRP) in March 2001. The SDRP includes a Resource Planning and Management Structure that divides the State into five Planning Areas, ranging from urban to rural and environmentally sensitive, and provides policy objectives for each Planning Area. Hillsborough Township includes four Planning Area designations, Planning Area 2 (PA 2), the Suburban Planning Area, Planning Area 3 (PA 3), the Fringe Planning Area, Planning Area 4 (PA 4), the Rural Planning area and Planning Area 5 (PA 5), the Environmentally Sensitive Planning Area. These Planning Areas establish policy objectives that seek to promote growth in centers and where infrastructure exists or is planned, agricultural viability and environmental protection, and to protect large contiguous areas of critical natural resources and farmland.

PA-2, the Suburban Planning Area, is intended to shoulder much of the future development throughout the State. PA-2 is often located near metropolitan areas and is delineated by non-congruent low-density patterns of development that are highly dependant on private transportation and still contain larger tracts of developable land. PA-3, the Fringe Planning Area, is identified by its rural landscape and freestanding residential and commercial development. The Fringe Planning Areas are often located between the Suburban Planning areas and the Rural Planning areas, and thus act as a transition zone between the two. These regions, are not typically comprised of prime agricultural soils or environmentally sensitive land, consist of extensive areas of high productivity farmland.

PA-4, the Rural Planning Area, is includes large cultivated or open space surrounding centers that act as a distinguishable buffer between areas of development. The Rural Planning Areas are sparsely populated and are intended to act as greenways throughout the State. These often contain prime agricultural soils, environmentally sensitive areas, and continuous portions of wooded tracts. PA-4B, the Rural/Environmentally Sensitive Planning Area, represents lands in the State that have environmentally sensitive features, yet still possess agriculturally productive soils or may have a prevalence of farming as an industry. The challenge in this Planning Area is the continuation of agriculture as a viable business, through continued funding of farmland preservation efforts, while balancing environmental resource protection. PA-5 possesses

many of the State's significant environmental resources. It is comprised mainly of constrained land, including wetlands, forests, and steep slopes, and may also possess scenic views and other valuable qualities as well.

As identified in the last reexamination report Hillsborough Township had its substantive certification revoked by the Council on Affordable Housing (COAH) in 1998. This action excluded the Township from the protection of COAH and led to the filing of four (4) exclusionary zoning lawsuits. Each lawsuit sought a "builder's remedy" relief for the construction of approximately 6,800 dwelling units. Together, the four (4) developers proposed to satisfy the Township's 1987-1999 fair share obligation.

During the period since the last reexamination, the Township had one complaint dismissed with prejudice (June 18, 2001) and another plaintiff reached an out of Court settlement agreement with the Township. In 2002 Hillsborough resolved the other two (2) cases with Court-approved settlement agreements. In these actions Hillsborough Township established as its primary goal meeting its affordable housing fair share obligation in regaining the protection against further "builder's remedy" litigation. The Court agreements required the Township to adopt an updated and revised Housing Plan Element and Fair Share Plan. Repose from the Court on October 16, 2002 was issued and Hillsborough obtained a six-year Final Judgment. The Planning Board adopted a Housing Plan Element and Fair Share Plan in August 2002.

Rather than accepting thousands of family housing units as originally proposed one of the significant issues in these settlement agreements was the amount of age-restricted housing received by the Township. The two agreements resulted in the approval of only 883 age-restricted units in the combination of single family detached, duplexes, triplexes, townhouses and sales and rental apartments, including 119 affordable units.

The agreements resulted in partially addressing the 1999 Reexamination Report recommendation for the Township to amend its land development regulations to allow age-restricted housing. The part, which was not achieved, was tying the provision for age-restricted housing to the transfer of density as permitted in the MLUL (Noncontiguous Planned Unit Development).

In 2000 and 2001 Hillsborough Township was the recipient of two Somerset County Municipal Partnership Agreements to revise the Township's Master Plan. A decision was made that the project would be conducted in two phases. The first would address two major resource zones of the Township, the Agricultural and Mountain zones.

The Planning Board conducted a land use analysis of the Township, a Build-Out analysis of the Agricultural and Mountain, a Natural Resources Analysis for the two Districts and analysis of rural development strategies. The outcome of this effort was a revised set of goals and objectives, which was called for in the last Reexamination Report, and amendments to the Land Use Plan and Conservation Plan for the Agricultural and Mountain Districts.

Since the 1999 Reexamination Report, construction was initiated on the expansion of Route 206 in the northern portion of the Township from the Somerville Circle to Brown Avenue. This project involves widening by adding a new lane in each direction, building new structures to replace the New Jersey Transit Bridge and the Raritan River Bridge and the constructing a median barrier along the entire length of the project. In addition, intersections are being improved with new signals and jughandles.

The next two phases (15N and 14A – 15A) are in design. The first phase (15N) will involve widening the area in the Township from Brown Avenue to Old Somerville Road. This section will include the crossing of a tributary of Royce's Brook and will intersect with a number of important local streets, which feed traffic into Route 206 such as Valley Road, Falcon Road and Triangle Road. In addition, this is a major area of commerce within the Township and is partially within the Town Center overlay. It will not only feed traffic into the new alignment of Route 206 but also into the heart of the Main street proposal. The plan preparation is currently in the Initial Design stage and right-of-way acquisition process has started.

The other improvement will involve a realignment of 206 from Old Somerville Road to Belle Mead- Griggstown Road in Montgomery Township. The realignment on the Township's Zoning Map shows the route running east of the present route paralleling Royce's Brook intersecting with Amwell Road, Hillsborough Road and Township Line Road. The new segment of the roadway will consist of four 12-foot travel lanes, two 12-foot outside shoulders, two 5-foot inside shoulders, a 26-foot grass median, and two 15-foot outside borders, for a total right of way width of 138 feet. The plan preparation is currently in the Initial Design stage and the right-of-way acquisition process has started.

The latter improvement has incurred one significant problem. Neighboring Montgomery Township, a plaintiff in litigation against NJDOT, reached a settlement agreement reached regarding Route 206. Alternatives may need to be examined in the context of the realignment of 206 especially at this point since there are discrepancies between the design speeds that for some of the intersecting side streets and the currently posted speed limits. Some of the intersecting side street overpasses may need to be redesigned to conform to a higher design speed. Montgomery Township is now concerned that the designed portion in the northern portion of the Township may be inconsistent with plans being advanced in the Township further south along 206.

Finally, as part of its new Smart Growth Initiative, the Commissioner of Transportation is considering the elimination of all interchanges on the 206 Bypass as method to control growth along the new alignment. If implemented, this decision will have major impact on the Township's Land Use Plan and Circulation Plan.

C. 40:55D-8c **"The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the**

density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.”

The original Master Plan for Hillsborough Township was adopted in 1965. Since that time the Goals and Objectives and the Land Use Plan Element have been amended ten times, most recently in 2002. The various required elements (housing and recycling) and optional elements (conservation, utilities, circulation, recreation and farmland preservation) have also been prepared.

The Planning Board’s policy as embodied in the 1999 Town Center and Main Street Plan, of locating growth in those areas of the Township where infrastructure exists or is planned has not been altered. However, the Board has determined to undertake a comprehensive review of its Master Plan and its various elements.

The first steps in this process were taken in 2002 with the review and reestablishment of a comprehensive set of goals and objectives and the adoption of Master Plan amendments for the Agricultural and Mountain Districts.

The last Reexamination Report recommended that the Planning Board revise its objectives to coordinate them with the State Plan to define a center boundary, which would encompass the Town Center with the “Main Street” core. In addition to this objective, the revised goal statement also includes, the MLUL purposes and a major objective to curtail suburban sprawl and promote policy and regulatory approaches that can prevent the substantial development and radical alteration of the agricultural and mountain areas and to preserve and protect the value and utility of those areas for farming and open space. Using historic objectives, actual development experience, policy statements from the 1996 Master Plan and the new factors identified in the build-out and land use analysis and classification, Environmental Resource Inventory and Analysis of State Planning Policy Implications for the Agricultural and Mountain districts and Assessment of Infrastructure in the Agricultural and Mountain districts, the following objectives were refined and comprehensively expanded to guide the Planning Board’s development of policies, strategies and standards for the evaluation and planning of the physical, economic and social development of Hillsborough Township.

The following are the goals and objectives developed and adopted by the Planning Board.

Land Use Management

1. Provide a future land use pattern that includes agriculture (farms), recreation, employment, residential, public services and a safe and healthful environment.
2. Continue and expand land use policies that guide development to suitable locations and at appropriate intensities, and provide for higher densities only in areas where the

- public water and sewers are available, planned or where all other necessary public utilities and infrastructure are available or where there is adequate access provided.
3. Plan for population densities in areas that do not exceed the carrying capacities of natural resources especially groundwater and the ability of the soil to sustain on-lot sewage disposal systems where public water and sewers are not available.
 4. Exercise stewardship over the lands and waters of Hillsborough Township to ensure that these resources are available for the sustenance and enjoyment of present and future generations
 5. Protect and maintain the prevailing rural character and unique sense of place within Hillsborough, particularly in the Agricultural and Mountain districts, which includes historic settlement areas and scenic landscapes, which result from the natural topography, agricultural lands, woodlands and watercourses.
 6. Promote cooperation with adjoining municipalities, particularly the Boroughs of Manville and Millstone, to advance consistent development and open space goals, policies and plans.
 7. Advance the goals and objectives of Hillsborough Township through the incorporation of local policies and strategies that respond to the basic premises, intent and purposes of the State Development and Redevelopment Plan and the Somerset County Master Plan.

Community Design

1. Explore opportunities for mixed-use development in a high-density core with commercial services and public facilities surrounded by lower density residential development.
2. Discourage strip commercial development.
3. Encourage the development of employment areas near residential neighborhoods with design that assures the peace and solitude of residents.
4. Planned centers should have coordinated architectural design, landscaping, lighting, signs, and similar design features.
5. Retain to the greatest extent practicable attractive vistas from public rights-of-way, including views of hills, valleys, ridgelines, woodlands, farmlands, hedgerows, stream corridors, flood plains and other natural areas.
6. Promote flexible zoning provisions such as cluster options that may aid in avoiding development in critical areas.
7. Encourage employment areas in close proximity to the railroad corridors and major highway facilities.
8. Provide for employment centers close to residential development to reduce vehicular traffic and encourage alternative modes of transportation.
9. Require all non-residential development (e.g., industrial, office, commercial) to be compatible with nearby residential neighborhoods.

Natural Resources

1. Protect the environment and environmentally sensitive areas of the Township from destruction or degradation, including but not limited to steep slopes, ridgelines, trout

streams, wetlands, stream corridors, potable water supplies, watersheds, aquifers, rivers, view sheds, forests and other vegetation, habitats of threatened and endangered species and unique natural systems, and utilize the findings and recommendations of the Hillsborough Environmental Commission whenever possible to advance this objective.

2. Preclude development in environmentally critical areas by minimizing any intrusion and implement strategies to mitigate impacts.
3. Maintain and enhance biological diversity through the protection of large contiguous tracts and corridors of recreation, forest, flood plain and other open space lands.
4. Protect prime agricultural soils, soils of statewide importance and soils of local importance for their contribution to agricultural production.
5. Promote land use and management policies that provide for clean air and protection from noise and light impacts.
6. Identify and manage stream corridor buffer areas by maintaining undisturbed vegetation in order to protect and improve water quality, and provide wildlife corridors and opportunities for passive and active recreation.
7. Ensure that development involving steep slopes is planned and constructed to minimize steep slope disturbance.
8. Protect groundwater supply and quality through the adoption of aquifer management programs, including relevant standards for wellhead protection programs, and standards to protect groundwater recharge areas, such as impervious coverage limitations.
9. Promote the use of minimal necessary levels of nighttime outdoor illuminance so as to protect and preserve the dark sky quality and starscape of the Agricultural and Mountain districts.
10. Protect and maintain the existing tree canopy during the development process, as well as to promote the replanting of areas where the existing canopy have been lost.

Housing

1. Provide housing types to serve all ages, economic segments and family sizes according to State Law and consistent with available service facilities, schools and infrastructures.
2. Promote and support the development and redevelopment of affordable housing with the intent to address the Township's fair share of the region's lower income housing, particularly in areas served by public transportation which connect to areas of employment.

Agriculture

1. Encourage agricultural preservation throughout the Township, in recognition of the existing agricultural characteristics.
2. Preserve a large contiguous land base to assure that agriculture remains a viable, permanent land use.

3. Coordinate agricultural preservation activities with the State Agriculture Development Committee (SADC), Somerset County Agricultural Development Board and other open space preservation activities in the Township.
4. Recognize agriculture as a significant economic industry in the community and to encourage economic opportunities in this industry.
5. Encourage compatibility between agricultural operations and neighboring non-agricultural development through the right-to-farm ordinance.

Transportation

1. Provide consistency in transportation management to meet the regional requirements and coordinate with other municipalities and governmental bodies for a regional approach to transportation that respects and enhances the character of the community.
2. Plan for improvements to the major street system to create a convenient circulation system sufficient to accommodate anticipated development.
3. In the Sourland Mountain, historic districts, and agricultural districts, promote a road system that remains narrow because of the physical constraints of the terrain and the limited traffic resulting from the restricted development opportunities.
4. Avoid strip frontage development along arterial and collector highways that would result in further uncontrolled access.
5. Establish highway access management plans for major arterial highways.
6. Require access to individual properties from streets with a local classification where feasible.
7. Promote industrial uses that have access to rail service.
8. Encourage public transportation to be readily accessible to residential areas of higher densities for convenient home-to-work travel.
9. Promote the development of future passenger rail service to and from the Township.
10. Discourage further highway development or extension of the highway system into the agricultural, mountain and other scenic areas.
11. Promote transit alternatives in new and existing development to reduce traffic congestion, including ride shares, buses, mass transit, taxis, car/van pools, dial-a-ride, and flextime.
12. Minimize the impacts of transportation systems on the environment, including air and noise pollution.
13. Encourage pedestrian and bike paths within residential developments designed to provide direct, easy access to new shopping areas as an enticement to reduce vehicular travel.

Economic Development

1. Provide expanded employment opportunities by encouraging development in appropriate areas for this purpose and consistent with available infrastructure and supporting services.
2. Promote employment opportunities and commercial services in locations compatible with existing and proposed development.

3. Encourage commercial development or redevelopment in suitable areas of the community that are most economically useful for commercial purposes.
4. Promote the redesign of existing commercial sites to provide a more efficient land use pattern through such approaches as reduced curb cuts, interconnecting driveways, improved pedestrian and bicycle linkages and enhanced landscaping.
5. Promote regional cooperation with adjoining municipalities, with particular reference to the Boroughs of Manville and Millstone, in the development of economic development strategies.

Historic and Cultural Resources

1. Preserve the historic and archaeological sites of Hillsborough Township and coordinate development to incorporate historic features wherever possible.
2. Encourage the preservation of historic districts, in particular those identified in the 1996 Master Plan and continued in this Master Plan.
3. Discourage encroachment on historic structures and sites by uses and buildings that are incompatible or detract in design.
4. Encourage the preservation, rehabilitation or adaptive reuse of historic buildings and structures that protects their architectural integrity and preserves their context within the historic landscape.
5. Promote the development of land use regulations, which acknowledge and permit special treatment for historic landscapes, districts, sites, and structures including setbacks, buffers and other design criteria.
6. Prohibit transportation improvements (local or regional), which do not take into consideration impact on historic districts and sites.

Community Facilities and Utilities

1. Require infrastructure improvements scaled to permit development to protect the health, safety and welfare of the public.
2. Promote utilities to allow higher density development in appropriate locations.
3. Provide for expanded public facilities as part of new developments that reflect population growth and protect natural and historic features.
4. Require educational support, services and facilities to meet the increased demand created by new developments.
5. Program and plan for the expansion of necessary public services, such as utilities, community facilities and recreation, at a reasonable cost in response to the proposals in the land use plan element.
6. Establish a system whereby necessary capital improvements can be programmed and planned in advance.
7. Ensure that the development process acknowledges and addresses the impact on community facilities and utilities through the payment of the fair share of any off-tract improvements for community facilities to the extent permitted by law.
8. Provide healthcare and specific needs of senior citizens.

Recreation and Open Space

1. Require coordinated open space proposals as part of new developments that will be related to population growth and natural and historic features.
2. Prepare and maintain recreation and open space master plans to establish and enhance recreational lands and public open space; to establish linkages of public spaces through the use of greenways, greenbelts, waterways, paths and bikeways; and, to establish as the highest priority for public acquisition, areas of unique recreational, scenic or environmental value.
3. Encourage the public acquisition of areas of exceptional recreational or scenic value, or environmental sensitivity, at all levels of government, with priority given to acquisition of land to meet present and future demand for active and passive recreation.
4. Promote cultural activities that provide recreational opportunities for a broad spectrum of residents and visitors.
5. Assess and provide opportunities for active and passive recreation to meet the needs of all citizens.
6. Devise appropriate strategies for the public and private ownership and maintenance of open space and recreation lands.
7. Encourage private landowners to permit public use through participation in the State's "Leave a Legacy of Land" program.

In 2002 the Planning Board adopted the above goals and objectives took the first step in updating the comprehensive master plan for the Township. With supporting background studies it recommended to the Township Committee a significant plan of zoning reductions, zone adjustment and design standards and other land use techniques in the form of an amendment to its Land Use Plan and Conservation Plan for the Agricultural and Mountain District.

In general, the residential densities in the Agricultural and Mountain Districts have been substantially reduced to address the findings of the land use and natural resource background information. These districts encompass most of Hillsborough's undeveloped countryside, which the State Development and Redevelopment Plan characterizes as rural and environmentally sensitive. The SDRP recommends an "environs" strategy designed to deter sprawl and protect natural resources - identified goals of the State Plan. This policy approach responds to the objectives of protecting groundwater and surface water quality, and better accomplishes the goals of rural conservation, environmental protection, agricultural retention and protection of the scenic attributes of Hillsborough Township.

Hillsborough Township's vision for the future of undeveloped lands in the Agricultural District embodies the smart growth principles of the State Plan intended to deter sprawl. Residential zoning like the Agricultural Zone three (3) acre requirement produces sprawl.

History shows that suburban development will occur at the permitted density (3 acres/unit) when the market demands in an area justify the cost of such development.

Hillsborough Township and surrounding areas have been shaped by several “generations” of suburban development, which have not substantially affected the Agricultural Zone.

In the Mountain District, approximately 20% of the land area of Hillsborough Township, respecting the carrying capacity limitations of the natural systems to provide potable water and treat septic effluent without degrading water quality is of critical concern. One of the largest remaining contiguous forests in Central New Jersey, the mountain contains fragile natural resources that combine to form a unique ecosystem. The Sourland Mountain contains headwater streams located in the Mountain district, which includes deciduous wooded wetlands, a majority of which is associated with the Sourland Mountain ecosystem. Of the 3,766 acres of forest in the Mountain district, 1,347 are deciduous wooded wetlands.

Studies of well yields and aquifer characteristics in the fragile Sourland Mountain ecosystem have been undertaken in adjacent municipalities (East Amwell and Hopewell Townships), the results of these studies of the groundwater resources of the Sourland Mountain region are generally applicable to the Mountain district in Hillsborough Township.

Bedrock of the Sourland Mountain is hard and sparsely fractured, which contributes to limited availability of water. Wells on the mountain with good yields are generally drilled into fractured areas, where water makes rapid downward movement. It is these fractures, however, that present potential hazards for groundwater contamination from septic effluent.

Septic systems located close to a fracture can tap into the gradient and potentially move improperly treated effluent into fractures. This permits the rapid vertical movement of rapidly contaminated water into the aquifer, where it could be taken up in a domestic well.

To achieve its objectives for the Agricultural and Mountain zones the Planning Board recommended a conventional subdivision in the Agricultural District of 20 acres/unit, lot averaging at 15-acre/unit density and Open Lands Subdivision at a 10-acre/unit density. In this district Open Lands Subdivisions may have 1.5-2 acre minimum lot area, 75% open lands with deed restriction against further subdivision for non-agricultural purposes and 2/3 of the open lands to include priority farmland soils and/or mature woodlands. Lot Averaging at 15-acre/unit densities may also utilize a 1.5-2 acre minimum lot area. In the Mountain District it recommended a conventional subdivision of 15 acres/unit and lot averaging at a 15-acre/unit density with a 5-acre minimum lot area.

The Planning Board made two district changes during the amendment process. During the Public Hearing process in considering the amendment several questions were raised regarding a portion of the Mountain District that lies adjacent to the Millstone River and Millstone River Road, which forms lands under the jurisdiction of the State of New Jersey. This area is part of Delaware and Raritan Canal extending from intersection

of Hillsborough Road to the Borough of Millstone. To reflect the proper use and jurisdiction of this area the Planning Board determined that it should be identified as a Public District a separate district within the Master Plan amendment and ordinance and not portion of the Mountain District.

The other change involved a portion of the CDZ zone along the proposed Route 206 Bypass. The Planning Board a new Agricultural District to include those lands with purchased development easements between Township Line Road and Hillsborough Road.

Formatted

Noting that changes in the Agricultural and Mountain Districts will create a series of nonconforming lots the amendment provided that a grandfather provision is added to the zoning ordinance that will allow development of such undersized lots without an appeal to the Zoning Board, according to reasonable standards for such lots.

C. 40:55D-89d "The specific changes for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be proposed."

As mentioned previously, in October 2002 the Planning Board adopted a new set of Goals and Objectives and amendments to the Master Plan for the Agricultural and Mountain Zone and anticipates positive action by the Township Committee in accepting its recommendations and revising the appropriate ordinances. This being the first step in moving toward a comprehensive revision to the 1965 Master Plan and its various revisions through 1999, the Planning Board also recommends a Phase 2 work program for 2003.

The Planning Board in the coming year will undertake the development of background studies. It will refine several studies that were designed to address the Agricultural and Mountain but contained information for the balance of the Township. This Phase 2 planning process should examine the remainder of Hillsborough and will include a Land Use Summary and Analysis, which involves land use/land cover mapping, prepared by NJDEP based on 1995/1997 aerial photographic interpretation.

Further delineation of existing land use should be prepared following completion of a geo-referenced parcel map with unique parcel identities (GIS base map). A map and accompanying text will be prepared identifying existing land uses throughout the Township, linking the GIS base map with digital tax data (MOD-4).

A Natural Resource Analysis should examine the following natural resource characteristics:

- Geology
- Surficial hydrology and water quality by stream
- Depth to bedrock
(Soils interpretation)
- Topography and slopes
- Wetlands
- Forests

- Threatened and endangered plants and animals
- Depth to seasonal high water table (Soils interpretation)

Phase II update should also include a review of Current Planning Capacity and Utility Services Analysis to examine the capacity of the natural and built infrastructure systems to support population growth and ancillary development, while maintaining recommended standards of performance. Existing water and sanitary sewer system capacities, and any known proposals for future expansion of these systems should be identified. Capacity of natural systems should be estimated in terms of groundwater quality, including indicators of appropriate density standards and groundwater quantity. The ability of aquifers to provide potable water, and the assimilative capacity of soil and groundwater resources to renovate septic effluent should be assessed based on published data.

Other background studies should include a Community Design Analysis for the Town Center, and the character of transportation corridors, residential and mixed-use neighborhoods. Urban design strategies should be developed to support the objectives of the State Development and Redevelopment Plan, and a Community Facilities Analysis should be undertaken to examine the location, size, capacity and adequacy of community facilities, as well as future needs that should be reflected in the Master Plan. The following facilities should be examined: municipal building, public works, emergency services, including police, fire and first aid, library, schools and recreation and public open space.

Other studies should address Circulation and Traffic and Demographic and Housing characteristics. Information relating to the existing conditions of roads, traffic and other transportation modes in the Township should be compiled and analyzed including: regional influences, jurisdiction of roads, existing road functions, street right-of-way widths, traffic accidents, road and bridge conditions, traffic counts, bicycle paths, bicycle lanes and pedestrian paths, mass transit, including bus and rail and traffic calming.

The housing and population data from the 2000 Census should be analyzed and characteristics and trends in housing and population will be documented. Implications for planning resulting from these data will be documented.

Finally, a Build-Out Analysis for the balance of the Township should be conducted. The potential for future development of undeveloped parcels should be examined on the basis of current zoning.

With the completion of the recommended background studies the Planning Board should undertake the Master Plan.

The land use plan element, which in concert with the conservation plan is the central policy statement of the Master Plan that drives all other plan elements, and in

combination with the Statement of Objectives, establishes the fundamental framework upon which other elements of the Master Plan are based.

A circulation plan element should show the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality, taking into account the functional highway classification system of the Federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail. Recommendations concerning bicycle paths, bicycle lanes and pedestrian paths should be included in this element.

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

A community facilities plan element should be prepared, incorporating the findings of the Background Studies and showing the existing and proposed location and type of educational or cultural facilities, historic sites, libraries, hospitals, firehouses, police stations and other related facilities, including their relation to the surrounding areas.

A recreation plan element should be prepared showing a comprehensive system of areas and public sites for recreation. Recommendations in this plan element should reflect a comprehensive and holistic view that incorporates the Township's intent for open space planning, integrated with the recommendations of the conservation plan element concerning open space. This plan element should address the criteria for an Open Space and Recreation Plan established by the N. J. Department of Environmental Protection.

An economic plan element should be prepared considering all aspects of economic development and sustained economic vitality, including 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 an analysis of the stability and diversity of the economic development to be promoted.

The historic preservation plan element adopted in should be reviewed will be prepared indicating the location and significance of historic sites and historic districts and updated as appropriate.

The final task for the Planning Board will be Implementation of the Master Plan. This component involves a general review and re-writing of the Land Use Regulations to incorporate appropriate Master Plan policies and to include revised procedures, definitions, statutory requirements and miscellaneous modifications.

The Planning Board also recommends that the Township Committee adopt ordinance amendments to achieve the Master Plan objectives for the Agricultural and Mountain zones. The Planning Board recommends that the Agricultural District permit a conventional subdivisions 20 acres/unit, lot averaging at 15-acre/unit density and Open Lands Subdivision at a 10-acre/unit density. In this district the Open Lands Subdivisions may have 1.5-2 acre minimum lot area, 75% open lands with deed restriction against further subdivision for non-agricultural purposes and 2/3 of the open lands to include priority farmland soils and/or mature woodlands, and Lot Averaging at 15-acre/unit densities, which may also utilize a 1.5-2 acre minimum lot area. In the Mountain District the Planning Board recommends a conventional subdivision of 15 acres/unit and lot-size averaging at a 15-acre/unit density with a 5-acre minimum lot area.

C. 40:55D-89e “**The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law”, P.L. 1992, c. 79 (C. 40A: 12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.”**

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