



2021

Amended Master Plan Reexamination Report



ADOPTED: DECEMBER 9, 2021

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Hamilton Township, Mercer County, New Jersey

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2021 Amended Master Plan Reexamination Report

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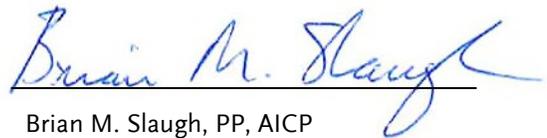
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1 INTRODUCTION

The municipal Master Plan is a document, adopted by the Planning Board, which sets forth the policies for land use as envisioned by the municipality. The Master Plan is the principal document that addresses the manner and locations in which development, redevelopment, conservation and/or preservation occur within a municipality. It is intended to guide the decisions made by public officials and those of private interests involving the use of land. Through its various elements, the Master Plan sets out a vision for the community in the coming years.

Periodic Reexamination

The governing body shall, at least every 10 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.

--- NJSA 40:55D-89

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 with the zoning ordinance and zoning map. The zoning ordinance and map, which are adopted by the Township Council, 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 and local development regulations to determine whether the ideas and policy guidelines set forth therein are still applicable. Under the MLUL, the Planning Board must conduct a general reexamination of its Master Plan and development regulations at least every ten years. Additionally, the MLUL now includes a waiver provision, where a municipality may 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 for additional use of the underlying land.

Five specific topics are to be considered in the Reexamination Report. These are:

- 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 land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in state, county and municipal policies and objectives.*
- d. *The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.*
- e. *The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.¹*

A Reexamination Report is not an amendment to the Master Plan or an ordinance. As the statute indicates, a reexamination of the master plan is an opportunity to evaluate the status of existing policies, in light of recent conditions, and to provide necessary direction for future planning efforts. A reexamination report may contain recommendations for the Planning Board to examine certain land use policies or regulations.

In 2011, the Township adopted new goals and objectives creating Township specific goals and objectives instead of relying on the MLUL goals and objectives. However, the overarching public agenda of maintaining the Township’s modern suburban character and protecting its environmental resources, which has its genesis in the 1978 master plan, continues to provide the overall direction for the master plan and land development ordinances. The experience of ten years under this set of policies, and the incremental incorporation of new information, has led to the evolution of Hamilton’s Master Plan and Land Development Ordinance as they exist today.

While carrying forth recommendations from the 2008 reexamination report and 2011 Master Plan, this reexamination report addresses those topics that have arisen since

¹ - N.J.S.A. 40:55D-89.

the 2011 Master Plan as well as the last Reexamination Report in 2008. Among others, these recommendations include:

- Identify programs that can promote economic development;
- Evaluate existing and the creation of new land use ordinances and standards;
and
- Identify sites with the Township for redevelopment.

This reexamination report includes all of the required components pursuant to the Municipal Land Use Law:

- **Section 2** discusses the master plan elements, studies and reexamination reports previously adopted by Hamilton’s Planning Board.
- **Section 3** identifies the relevant changes in assumptions, policies and objectives related to relevant characteristics of the Township underlying the recommendations of the last reexamination report.
- **Section 4** combines three of the required elements of a reexamination report into a single section in order to address subjects within a consolidated framework that identifies:
 - Major problems and objectives at the time of adoption of the 2008 Reexamination Report and 2011 Master Plan;
 - Extent to which problems and objective have changed;
 - Recommendations for study of, or amendments to, the master plan or land development regulations.
- **Section 5** identifies areas where implementation of redevelopment, through the NJ Local Redevelopment and Housing Law (C.40A:12A-1 et al.), should be investigated.

2 PAST PLANNING EFFORTS

Hamilton Township's Master Plan was initially adopted in July 1978. Since then, the Township Council and Planning Board have undertaken a continuous planning process and several ordinance updates since the last Reexamination Report was adopted on December 11, 2008, including the adoption of a new Master Plan in June 2011. A review of the Township's modern planning documents adopted by the Planning Board is summarized below.

1994 Route 130 Access Study and Circulation Plan Update

Hamilton Township's Department of Engineering, Planning, and Inspection conducted the Route 130 Access Study to assist the Planning Board in updating the Circulation Plan for the Township. The existing Circulation Plan had been adopted as part of the 1989 Hamilton Township Master Plan. Due to rezoning and anticipated future development of land within the Route 130 Study Area, as well as changes regarding site access within NJDOT's New Jersey State Highway Access Management Code (*N.J.A.C. 16:47 Access Code*), a reevaluation of the Route 130 Corridor had become necessary. The resulting update to the Circulation Plan introduced a Route 130 Access Plan that recommended increasing lanes along Route 130 to accommodate increased traffic as well as corresponding road segments to decrease congestion.

1996 Master Plan Update Review

In 1996, the Township performed a review of the 1978 Master Plan and its subsequent revisions regarding the status of the 1989 recommendations and compatibility with the surrounding municipalities. This review ran simultaneously with an analysis of the Route 130/I-195 study area, performed by Lenaz Muller Associates. The Master Plan Update Review found that the 1989 recommendations for the establishment of a Transportation Improvement District as well as the Groveville and North Crosswicks communities as Historic Districts had been satisfied.

1996 Route 130/I-195 Study Area Planning Analysis

The Planning Board and Department of Engineering, Planning and Inspection conducted the 1996 Route 130/I-195 Study to investigate the potential for mixed-use and retail development along the corridors. Due to the completion of the Township's regional highway network, an extent of Hamilton's vacant lands had become more accessible for future development. This investigation set to determine the safety of increased development at these key interchanges, which serve as main gateways into the Township. The study concluded that new roadway linkages to the mixed-use developments will allow for safe increased traffic through the study area. Additionally, the study recommended the rezoning of the R-15 zone to REO-5 as well as the

expansion of park and trail systems to ensure an appropriate buffer between the existing residential and proposed non-residential development.

1997 I-295/Sloan Avenue Study Area Planning Analysis

As an extension of the 1996 Master Plan Update Review, the Township conducted an investigation of the I-295/Sloan Avenue Study Area. This large study area was divided into three smaller focus areas: Quakerbridge Road, Sloan Avenue, and Sloan Avenue/Klockner Road. It had become imperative to reevaluate the Plan for these areas due to the development of the Hamilton Transit Complex on Sloan Avenue. This study establishes an overall vision plan for the future of the area, promoting high quality development while creating jobs and protecting open space. Roadway and intersection improvements were identified at the conclusion of the study, intended to address existing traffic and circulation problems while helping to create new development opportunities.

1998 A Vision Plan for the Hamilton Waterfront

The 1998 Vision Plan for the Hamilton Waterfront documents the recommendations of a conceptual study undertaken by Wallace Roberts and Todd and Charles C. Nathanson, AICP, PP to articulate the vision for Hamilton's Delaware River waterfront and Duck Island. The study built on Mercer County's 1990 master plan for Duck Island that recommended the establishment of the County's Solid Waste Management Facility on the site, including a resource recovery plants and the recycling operation. The study recommended that a 73-acre site on Duck Island be developed as a gateway to the Hamilton Waterfront and that an interpretive center be developed.

1998 Route 130 Vision Plan

This 1998 Vision Plan, prepared by Wallace Roberts & Todd, is a conceptual study of the Route 130 Corridor. The plan states that, while the existing Township regulations determine the use, character, and placement of buildings, no regulations were in place regarding the character and connectivity of the roadways. The issue with this oversight could potentially turn the Route 130 Corridor chaotic and disorienting across future developments. The report proposes a series of design regulations which would promote the development of a spatially attractive and cohesive corridor. The design guidelines set in the Vision plan are intended to provide a framework for developing automobile-friendly environments that that are safe and attractive for human activity.

1998 Technical Supplement to the Transportation Problem Statement for US Route 130 and Klockner Road/Crosswicks-Hamilton Square Road

The intent of this supplemental document was to highlight the potential shortcomings of the improvement proposals for the Klockner Road and Crosswicks-Hamilton Square Road intersection and recommend modified and alternative improvements to mitigate increased traffic demands. Submissions for two mixed-use developments had been submitted to the Township which would directly impact the intersection between Klockner Road and Crosswicks-Hamilton Square Road. The investigation concluded that a signalized intersection configured with jughandles would temporarily handle traffic at the junction; however, the best long-term improvement for the intersection remains a grade separated intersection.

1998 Interim Report: Road Extension and Traffic Circulation Study for the Hamilton Square Area

In June 1998, the Township's Planning Board conducted this study to provide a traffic assessment of current and future roadways conditions in the Hamilton Square area of the Township and to determine if three potential roadway extensions can serve important roles in the Hamilton Square area. The road extensions evaluated in the study included:

- An extension of Paxson Avenue from Flock Road to the segment of Paxson Avenue on the south side of Miry Run in the vicinity of King Boulevard.
- An extension of Flock Road from Mercerville-Edinburg Road southward to the portion of Flock Road that ends on the southern side of Miry Run near Crestwood Drive.
- An extension of Brookwood Road to Flock Road, intersecting in the vicinity of Lions Road.

The study recommended the extension of Paxson Avenue across Miry Run from the Flock Road intersection to safely ease the traffic demands along Mercer Street as well as signalizing its intersections with Hughes Drive, Flock Road, and Mercerville-Edinburg Road to offset the traffic changes from the road extension. While the proposed extension of Flock Road would provide a more direct route between the I-295 Interchange area and Washington Township (now Robbinsville Township), the value of the development was found to be limited and a secondary priority. Additionally, the extension of Brookwood Drive would not produce significant traffic relief at its intersection with Quakerbridge Road and Flock Road/Sloan Avenue, and only serve its adjacent land uses. The report concludes that for the most significant improvements, Township efforts should be focused around the Paxson Avenue improvements.

1999 Vision Plan for the Hamilton Township Town Center

Prepared by Wallace Roberts and Todd, the Vision Plan for the Hamilton Township Town Center builds on the Hamilton Township Amended Redevelopment Plan which recommended the establishment of the Township's activity center in a village setting. The Vision Plan recommends that a 28.9-acre site be developed as a town center that will be a year-round retail and recreational facility for residents in the Township and surrounding municipalities. The recommended development program includes a public farmer's market, senior center, entertainment complex, retail and mixed-use commercial uses, and a pedestrian-oriented residential community.

2002 Master Plan Reexamination Report

The 2002 Reexamination Report reaffirmed the set goals and objectives for land development and redevelopment in the Township previously adopted by the Planning Board, which are based on the purposes of the Municipal Land Use Law:

- a. *To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;*
- b. *To secure safety from fire, flood, panic and other natural and manmade disasters;*
- c. *To provide adequate light, air and open space;*
- d. *To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the County and the State as a whole;*
- e. *To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;*
- f. *To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;*
- g. *To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;*
- h. *To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;*

- i. *To promote a desirable visual environment through creative development techniques and good civic design and arrangements;*
- j. *To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;*
- k. *To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development of the particular site;*
- l. *To encourage senior citizen community housing construction;*
- m. *To encourage the coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;*
- n. *To promote utilization of renewable energy sources; and*
- o. *To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling programs*

2002 Hamilton Township Station Area Vision Plan

The Hamilton Township Station Area Vision Plan sets forth a conceptual design for the development of a mixed-use center on 250 acres adjacent to the train station. The Vision Plan provides a detailed concept for development of the NJ Transit property. The NJ Transit station is surrounded by three industrial properties owned by American Standard, Congoleum and Federal Express. The Vision Plan proposes the redevelopment of these three properties which would integrate them with and reinforce the new land uses at the station. In this way the core redevelopment of the NJ Transit property will provide the genesis of a new village center for the Township.

2003 Open Space and Recreation Plan

The Hamilton Township Open Space and Recreation Plan was initiated under the Township's recognition of the need to reserve and develop a network of open space and recreational resources to serve the current and future populations. Urgency in developing this plan was found necessary due to the rapid development of the remaining vacant land in the Township. This Open Space and Recreation Plan set three overarching goals to:

- Address the diverse interest expressed by Township residents and officials
- Accommodate projected population growth
- Make best use of the considerable natural resources of the Township

The Open Space and Recreation Plan established a 20-year plan to carry out the needs of the Township in accordance with the State’s Green Acres Program.

2003 Redevelopment Area Investigation: Cyberdistrict Redevelopment Study Area

The 2003 Redevelopment Area Investigation for the Cyberdistrict Redevelopment Study Area was prepared in accordance with the Local Redevelopment and Housing Law (LRHL), *N.J.S.A. 40A:12A-1 et seq.* The Cyberdistrict Redevelopment Study Area is located generally in the northwest part of the Township along the Township’s main thoroughfare, Sloan Avenue, with direct access to State Highway Routes I-195 and I-295. The study area generally consists of a mix of residential, commercial, light industrial and public uses. The Redevelopment Area Investigation found that the Cyberdistrict Redevelopment Study Area met the LRHL statutory criteria c, d and h. Pursuant to Resolution 04-048, the Township Council designated the Cyberdistrict Redevelopment Study Area as a redevelopment area.

2005 Planner’s Report in the Matter of Hamilton Township’s R-120 Zones

The 2005 Planner’s Report regarding the Township’s R-120 zones establishes that the study area consists largely of contiguous areas of woodlands, farmland, critical habitat and the historic North Crosswicks Village. These resources collectively contribute to the ambiance throughout this portion of Hamilton Township. However, the R-120 Zones are inducing development that would greatly alter the cultural landscape of the area. The report recommends revisions to the policies and design standards throughout the area to maintain and preserve the quality of the study areas.

2006 DVRPC Route 33 Corridor Study

The DVRPC’s Route 33 Corridor Study encompasses approximately 11.7 square miles across Hamilton and Washington (Robbinsville) Townships. The Route 33 Corridor acts as a regional corridor carrying traffic from the eastern portion of Mercer County to the City of Trenton. The study documents existing conditions, examines development and redevelopment plans, identifies problem locations, a transit assessment and development of improvement scenarios. The study also provides recommendations for reducing congestion, and improving mobility and safety in the RT 33 corridor. DVRPC proposed that zoning be implemented to allow for mixed-use development within biking distance to the surrounding residential areas. The study

concurrently proposes a focus on increasing pedestrian and bicycle routes throughout the corridor.

2006 Stormwater Management Plan

Hamilton's municipal Stormwater Management Plan, prepared in accordance with the Municipal Stormwater Regulations, *N.J.A.C. 7:14-25 et seq.*, and the Stormwater Management Rules, *N.J.A.C. 7:8-1 et seq.*, creates strategies and standards for the Township intended to minimize the adverse impact of stormwater runoff on water quality and the loss of ground water recharge that provides baseflow in receiving water bodies. The plan describes the long-term operation and maintenance for existing and future stormwater facilities.

2007 Bromley Neighborhood East State Street Planning Initiative

Recognizing that the Bromley Community was starting to show signs of disinvestment, Isles Inc. prepared the 2007 Bromley Neighborhood East State Planning Initiative to develop a neighborhood plan that address land use, transportation, service delivery and other vital community issues. The planning initiative identifies priorities, responsible parties and potential funding sources that will serve to direct future planning activities for the neighborhood.

2007 Township-wide Traffic Study Excerpt

In 2007, Louis Berger Group conducted a study of the Township's overall transportation system in relation to the growth of the municipal population. The primary focus of the study was to identify problem areas from a safety and mobility perspective and to establish appropriate improvements. As a result, the report provided a series of recommendations specific to each corridor throughout the Township that would improve the quality of the roadway as serve the needs of their immediate user groups in the population.

2008 Housing Element and Fair Share Plan

Municipalities that had not received substantive certification under the initial Third Round rules and wished to continue with the COAH process (such as Hamilton) were required to re-petition COAH for substantive certification under its revised 2008 rules by December 31, 2008. On December 11, 2008, Hamilton adopted a 2008 Third Round Housing Element and Fair Share Plan consistent with COAH's second iteration of Third Round rules. Hamilton's adopted 2008 plan addressed a third round affordable housing obligation of 277-unit rehabilitation obligation, 706-unit prior round obligation, and 852 units from its third round growth share. The Township submitted the 2008 Plan to COAH on December 30, 2008 as part of its second petition

for Third Round substantive certification; the petition was deemed complete by COAH on February 23, 2009. The Township's 2008 Plan did not receive substantive certification prior to the 2010 Appellate Division decision invalidating COAH's second iteration of Third Round rules.

2008 Master Plan Reexamination Report

This Reexamination Report was prepared pursuant to the Municipal Land Use Law and was adopted by the Planning Board on December 11, 2008. The Goals and Objectives that were reaffirmed in the 2002 Master Plan Reexamination Report were again reaffirmed in the 2008 Master Plan Reexamination Report as they continue to satisfactorily support the Master Plan elements and land development ordinances. The key recommendations of that document were the rezoning of land around the Route 130/I-195 Corridor, a review and update to the Route 130 Vision Plan, an Arts and Culture Initiative, and the development of a Sustainability Element to the Master Plan.

2009 Arts and Culture Plan

On September 24, 2009, the Township Planning Board adopted an Arts and Culture Plan for the development of an Arts and Culture Overlay Zone District to encourage mixed use and commercial development and redevelopment for the promotion of arts and culture. The Master Plan Amendment provided the foundation for revisions to zoning and design regulations that would promote public art placement and design standards. The art and culture throughout the Grounds for Sculpture area has been a significant point of civic pride, and the encouragement of arts throughout this region will continue to promote pride and tourism.

2009 Community Forestry Management Plan

The Hamilton Township Shade Tree Commission developed the Management Plan in order to preserve and promote, for the benefit of its residents, a healthy and sustainable urban tree resource. The Community Forestry Management Plan outlines the programs, policies and procedures by which tree resources within the Township will be managed during the period 2009 through 2014. The objectives focus on both street trees and trees within Township Parks and Township-owned properties.

2009 Mill One Redevelopment Plan

The 2009 Mill One Redevelopment Plan, prepared by Cofone Consulting Group, LLC, is for one property, known as Block 1727, Lot 20, located within the larger redevelopment area, known as the "Cyberdistrict Redevelopment Study Area". The intent of the Redevelopment Plan is to allow for the rehabilitation and adaptive reuse of the existing structures and the site to create a walkable, mixed-use, pedestrian-

friendly development with a variety of uses. The Redevelopment Plan sets forth standards for land use, circulation, open space, parking and design.

2009 Open Space and Recreation Plan Update

As established in the Township's 2003 Open Space and Recreation Plan, Hamilton focuses on three overarching goals:

- Address the diverse interest expressed by Township residents and officials
- Accommodate projected population growth
- Make best use of the considerable natural resources of the Township

Hamilton has one of the most extensive park systems throughout Mercer County, with 21 Township owned parks and approximately 522 developed park acres. The 2009 Open Space Plan recommends the preservation of 20 miles in stream corridors throughout the Township for the enhancement of water quality and development of future bicycle recreation networks. The Action Plan for the Township includes the acquisition of 250 acres of land for active and passive park systems, as well as farmland to be included within the Farmland Preservation Program.

2009 Land Use Plan Amendment

The Rural Resource Conservation (RRC) Zone was first established by Ordinance No. 11-1-05 to curtail the expansive and sprawling development patterns fostered by the prior R-120 Zones and to provide zoning alternatives to assure that farmland and protected conservation lands would remain as a by-product of development. The RRC Zone was established based on reasons set forth in a February 25, 2005 Planner's Report since the RRC Zone was not consistent with the Master Plan. As a result, on March 26, 2009, the Planning Board adopted a Land Use Plan Amendment based on the rationale outlined in the February 25, 2005 Planner's Report with relevant data in order to provide comprehensive planning support for the RRC Zone.

2010 Climate Action Plan

The 2010 Climate Action Plan represents the Township's desire and intent to reduce energy usage and harmful emissions throughout Hamilton. The Plan establishes a set of guidelines to reduce energy consumption, and associated emissions for the Township, by 20% by the year 2020. Intermediate goals were to reduce energy consumption by 2% each year starting with 2010. Ultimately, the Township's goal was to coincide with the State's Energy Master Plan which hopes to reduce emissions to 1990 levels by 2020. The Climate Action Plan further outlines a series of initiatives which would help Hamilton reach their goals at an achievable pace.

2010 Delaware River Keeper Stormwater Report

In May 2010, the Delaware Riverkeeper Network developed a Stormwater Implementation Plan for Hamilton to identify the inadequacies of the current municipal stormwater systems. The Report identifies numerous shortcomings of the Municipal Stormwater General Permit in its capacity of assuring proper implementation of the program and demonstrates that the program is ineffectual in its mission to protect water resources and the communities they serve. The intent of the Report is to identify necessary changes and enforcement of the Municipal Stormwater Regulations Program and the Stormwater Management Rules in the municipal review process by the NJDEP. The Report concludes with a number of recommendations for the Township in order to better implement the Municipal Stormwater General Permit program.

2010 Marsh Stewardship Plan

The Hamilton-Trenton-Bordentown Marsh is the northernmost tidal freshwater wetland along the Delaware River. The 2010 Marsh Stewardship Plan supports a vision that:

- Protect critical natural and cultural resources
- Preserve valuable wetland functions
- Optimize the educational potential of the Marsh
- Enhance recreational opportunities
- Establish a clear identity for the Marsh
- Celebrate the 13,000 years of local history and pride
- Establish linkages with broader regional systems
- Build strong partnership for consistent long-term stewardship

Six goals have been identified to achieve this vision. These are: Protection and Preservation, Stewardship, Education, Recreation, Marsh Identify and Interpretation, and Coordinated Management and Organization. For each, strategies and tasks are delineated.

2011 Bicycle and Pedestrian Circulation Study

This 2011 study includes an overview of the existing conditions for bicyclists and pedestrians in the Township, recommendations for improved facilities, and recommended strategies to encourage safe biking and walking. The study was undertaken as part of the NJDOT's Local Bicycle/Pedestrian Planning Assistance Program, which seeks to foster the development of non-motorized transportation modes in accordance with statewide goals and local needs.

2011 Environmental Resource Inventory

The Township adopted an Environmental Resource Inventory (ERI) in 2011. The purpose of an ERI is to identify and describe the natural resources of a community, including but not limited to soil, water, air, forests, fields, and waterways. The ERI provides the basis for the development of methods and steps to preserve, conserve and utilize the community's natural resources. While the ERI does not include specific recommendations, it is a compilation of all existing information that can be found about the Township's natural resources at a particular moment in time.

2011 Master Plan

The adoption of new goals and objectives created Township specific goals and objectives instead of relying on the MLUL goals and objectives. The 2011 Comprehensive Goals and Objectives are set forth below:

1. *Achieve a proper balance in the distribution and location of the various land uses to provide a varied and healthful environment for people who live and work in the Township.*
2. *Focus the Township's remaining development potential on lands that can support compact development, are well served by transportation and other utility (sewer and water) infrastructure, and are in proximity to employment and service centers. Direct new development away from productive agricultural lands, stream corridors, wildlife corridors and other environmentally sensitive lands.*
3. *Preserve and enhance the character of Hamilton's neighborhoods so that they may continue to positively contribute to the Township's quality of life.*
4. *Provide realistic opportunities for a variety of housing types and sizes which are affordable to households at a variety of income levels.*
5. *Support the Township's retail, office and industrial districts so that the Township may strengthen its position as a major economic engine in Mercer County.*
6. *Foster the arts and culture in the Township so that they may enhance the quality of life and contribute to the local economy.*
7. *Reduce the environmental footprint of the Township through water conservation measures, waste reduction, improved site design and reduced reliance on fossil fuels.*
8. *Provide effective stormwater management and reduce impacts of flooding throughout the Township.*

9. *Promote a balanced and multi-modal transportation system that safely and efficiently meets the needs of the Township's diverse population as well as visitors utilizing the regional transportation system.*
10. *Plan for capital improvements to ensure that the Township's infrastructure (roads, stormwater management, sewer, water, telecommunications, etc.) and community facilities are properly developed and maintained.*
11. *Provide ample parks, offering both active and passive recreation facilities, preserve the agricultural character of the southwest portion of the Township and provide open space that supports the natural function of ecosystems.*
12. *Support the rehabilitation and continued use of the Township's historic districts and buildings for education, tourism, neighborhood enhancement, economic development and to preserve the history of Hamilton Township.*

These Comprehensive Goals and Objectives continue to satisfactorily support the Master Plan elements and land development ordinances.

2012 Watershed and Stormwater Management Implementation Plan

The purpose of 2012 Watershed and Stormwater Management Implementation Plan is to outline strategies for the Township to implement through the community to improve water quality, involve both residents and decision makers in protecting the environment, increase Hamilton's compliance with the current stormwater regulations, and sustain high quality water resources. The recommended actions were identified to support the following goals:

- Engage the community in water resource protection
- Manage water quality
- Minimize localized flooding
- Implement Phase II stormwater controls
- Improve stormwater facility maintenance

To support these goals, specific actions were identified to help the Township achieve and sustain a long-term water resources management program.

2015 Route 33 Rehabilitation Area Redevelopment Plan

The 2015 Redevelopment Plan for the Route 33 Rehabilitation Area was created to provide the appropriate redevelopment plan and land use controls to effectuate the rehabilitation area designation. The intent of the Redevelopment Plan is to promote the growth of new nonresidential development that will increase employment and business opportunities and strengthen and enhance the Township's overall economic

base. The Redevelopment Plan sets forth standards for land use, parking and loading, landscaping and buffers, utility controls and architectural controls.

2015 Community Forestry Management Plan

The Community Forestry Management Plan outlines the programs, policies and procedures by which tree resources within the Township will be managed during the period 2015 through 2020. The objectives focus on both street trees and trees within Township Parks and Township-owned properties.

2015 Complete Streets Policy

Pursuant to Resolution 15-024, the Township Council adopted a “complete streets” policy for all public street projects in order to provide safe access for all users by designing and operating a comprehensive, integrated connected multi-modal network of transportation options. The benefits of Complete Streets include:

- Improving safety for pedestrians, bicyclists, children, older citizens and the mobility challenged as well as those that cannot afford a car or choose to live car free;
- Providing connections to bicycling and walking trip generators such as employment, education, residential, recreation, retail centers and public facilities;
- Promoting healthy lifestyles;
- Creating more livable communities;
- Reducing traffic congestion and reliance on carbon fuels, thereby reducing greenhouse gas emissions; and
- Saving money by incorporating sidewalks, bike lanes, safe crossings and transit amenities into the initial design of a project, this sparing the expense of retrofits later.

2018 NJDEP Compliance Evaluation and Assistance Inspection

The NJDEP conducted a Compliance Evaluation and Assistance Inspection of the Township’s Municipal Stormwater Permit compliance on April 9, 2018 and issued a subsequent letter of their findings on June 20, 2018. The June 20, 2018 letter identifies a number of requirements where compliance could not be determined and indicated a follow-up compliance assessment would be conducted in March 2019. The NJDEP conducted a follow-up inspection on May 16, 2019 and issued a subsequent letter with their findings on June 3, 2019. Pursuant to the June 3, 2019 letter, the NJDEP identified four violations or non-compliance items. The NJDEP also indicated the Township needs to update their SPPP in accordance with the new NJDEP forms and to add surface waterbody identification to all outfall maps.

In order to address the identified violations, pursuant to a July 3, 2019 letter, the Township indicated it will:

- Utilize the services of Rutgers Cooperative Program to conduct the inspections of outfall pipes annually.
- Investigate stream scouring that had been reported or noted during a routine capital project and maintain a log of the same.
- Utilize the services of Rutgers Cooperative Program to conduct a visual dry weather inspection of all outfall pipes owned or operated by the Township at least once every five years to determine if dry weather flow or other evidence of illicit discharge is present.
- Issue a violation notice to the property owner once an illicit connection is identified.

In addition, on September 17, 2019, the Township adopted an ordinance establishing standards for private storm drain inlet retrofitting known as Chapter 427 Stormwater Management, Article III Private Storm Drain Inlet Retrofitting.

2020 Housing Element and Fair Share Plan

After numerous iterations, on January 23, 2020, the Township adopted an Amended Third Round Housing Element and Fair Share Plan. Hamilton's adopted 2020 plan addressed a third round affordable housing obligation, as identified in the December 19, 2019 Settlement Agreement between the Township and Fair Share Housing Center (FSHC), of a 310-unit rehabilitation share, a 705-unit prior round obligation, and a 521-unit third round obligation (gap + prospective need). This 2020 Amended Third Round Housing Element and Fair Share Plan incorporates and implements the terms of the 2016 Settlement Agreement between the Township and FSHC and will serve as the foundation for the Township's application for a Judgment of Compliance and Repose by the Court.

2020 Patterson Avenue Landfill Redevelopment Plan

On October 6, 2020, the Township adopted the Patterson Avenue Landfill Redevelopment Plan. The Patterson Avenue Landfill Redevelopment Plan encompasses the entirety of a redevelopment area designated by the Hamilton Borough Council on July 21, 2020 pursuant to Resolution No. 20-403. The Patterson Avenue Landfill Redevelopment Plan is intended to provide a framework of regulations to allow for the creation of a utility-scale photovoltaic energy facility (solar array) within Hamilton Township.

2020 Lalor Street Redevelopment Plan

On November 9, 2020, the Township adopted the Redevelopment Plan for the Lalor Street Redevelopment Area. The Lalor Street Redevelopment Plan encompasses the entirety of Block 2175 on Lalor Street designated as “an area in need of redevelopment” by the Hamilton Borough Council on September 12, 2019. The Lalor Street Redevelopment Plan is intended to broaden the nature of permitted neighborhood commercial uses to provide better access to goods and services to area residents while strengthening the Lalor Street commercial corridor.

2020 Sloan Avenue Redevelopment Plan (Former Congoleum Site)

The 2020 Sloan Avenue Redevelopment Plan, prepared by CME Associates, is for one property, known as Block 1602, Lot 2, located within the larger redevelopment area, known as the “Cyberdistrict Redevelopment Study Area”. The intent of the Redevelopment Plan is to create a sense of place that would permit several types of uses including commercial, commercial recreation, residential and mixed-use that would attract not only Township residents but create a regional identity for the Hamilton. The Redevelopment Plan sets forth standards for land use, parking and circulation, building design, landscaping and lighting design, signage, utilities and on and off-site improvements.

3 CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES AT THE LOCAL, COUNTY AND STATE LEVELS

Several state, regional, county and local planning events have occurred subsequent to preparation of the 2008 Reexamination and 2011 Master Plan. The following section identifies the changes in assumptions, policies and objectives that have occurred as a result of those changes and which land use and planning policies in Hamilton Township.

2001 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).

In April 2004, the State Planning Commission released a Preliminary Plan proposing amendments 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 than the 2001 State Plan with the elimination of Planning Areas in favor of "Investment Areas". The Plan identifies four investment areas to be used for identifying locations for growth, preservation and related investments (listed in descending order from the most developed to the least developed

Reexamination Requirement "c"

- c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in state, county and municipal policies and objectives.

--- NJSA 40:55D-89

condition): Priority Growth, Alternate Growth, Limited Growth and Priority Preservation. The locations of the Investment Areas are determined not by a State Plan Map, as in the past, but by a criteria-based system applied during State agency decisions on investments, incentives and flexibility on State land use regulations, programs and operations.

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 such time as a new State Plan is adopted, the 2001 State Plan remains in effect. The Township will monitor the State's efforts toward adopting a new State Plan and respond accordingly.

COAH Third Round

The Township petitioned the Council on Affordable Housing ("COAH") for Third Round substantive certification on December 20, 2005. However, COAH did not conduct a substantive review of the 2005 Housing Element and Fair Share Plan prior to the 2007 Appellate Division decision overturning COAH's 2004 Third Round rules. On December 11, 2008, Hamilton adopted a 2008 Third Round Housing Element and Fair Share Plan consistent with COAH's second iteration of Third Round rules. The Township submitted the 2008 Plan to COAH on December 30, 2008 as part of its second petition for Third Round substantive certification; the petition was deemed complete by COAH on February 23, 2009. The Township's 2008 Plan did not receive substantive certification prior to the 2010 Appellate Division decision invalidating COAH's second iteration of Third Round rules.

Challenge to COAH's 2008 Third Round Rules

COAH's first iteration (2004) as well as its second iteration (2008) of its Third Round rules were challenged in an Appellate Division. The first iteration of the Third Round rules was invalidated in 2007, and on October 8, 2010, the Appellate Division invalidated several key provisions of COAH's second iteration of the Third Round rules, specifically, the "growth share" based rules governing fair share need and calculation.

Various parties brought the case to the New Jersey Supreme Court, which in 2013, directed COAH to revise and adopt a third iteration of its Third Round rules by March 8, 2011 using a methodology similar to COAH's first and second round methodologies. Subsequent delays in COAH's rule preparation and ensuing litigation led to the Court, on March 14, 2014, setting forth a schedule for adoption of COAH's rules.

Although ordered by the New Jersey Supreme Court to adopt a third iteration of the Third Round rules on or before October 22, 2014, COAH deadlocked 3-3 at its October 20, 2014 meeting and failed to adopt the new rules. This put COAH in violation of the Supreme Court's Order. A motion in aid of litigant's rights was then filed with the NJ Supreme Court by the Fair Share Housing Center ("FSHC").

Transfer to Courts

On March 10, 2015, the 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 N.J. 1 (2015)). This decision dissolved the substantive certification process established in the Fair Housing Act (FHA) because COAH caused it to become a futile administrative remedy, and held that the review and approval of all exclusionary zoning matters would now be heard by trial courts, rather than by COAH. The Supreme Court did not, however, rule on the precise methodology that would govern the calculation of fair share numbers. Instead, the Supreme Court offered general guidance and left it to the trial courts through the 15 designated Mount Laurel judges to decide.

The Supreme Court further held that, for a municipality to be protected from exclusionary zoning lawsuits, it had to file a declaratory judgment action seeking a judicial declaration that its Housing Plan Element & Fair Share Plan complies with the Third Round affordable housing obligation. It is expected that the Mount Laurel trial judges will review municipal plans much in the same manner as COAH previously did. Those towns whose plans are approved by the trial court will receive a Judgment of Repeal, the court-equivalent of COAH's substantive certification. The Township filed its declaratory judgment action on July 8, 2015.

On January 17, 2017, the NJ Supreme Court issued 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. Accordingly, the municipal affordable housing obligation is composed of the following four (4) parts: Present Need (rehabilitation), Prior Round (1987-1999, new construction), Gap Present Need (1999-2015, new construction), and Prospective Need (Third Round, 2015 to 2025, new construction).

FSHC is an interested party in the Township's declaratory judgment, and in 2016, the Township entered into successful negotiations with FSHC to identify its fair share obligation and preliminarily how that obligation would be satisfied. These negotiations resulted in a Settlement Agreement, dated December 19, 2016, between the Township and FSHC. The Court issued an Order on March 31, 2017 stating that the Settlement Agreement was fair to the interests of low and moderate income households. The

Court also preliminarily found that the manner in which the Settlement Agreement satisfied the obligation was reasonable, subject to several conditions.

On January 23, 2020, the Hamilton Township Planning Board adopted an Amended Third Round Housing Element and Fair Share Plan and Spending Plan, which was endorsed by the Governing Body on February 4, 2020. The 2020 Amended Third Round Housing Plan incorporates and implements the terms of the 2016 Settlement Agreement between the Township and FSHC and will serve as the foundation for the Township's application for a Judgment of Compliance and Repose by the Court. Notwithstanding, the 2020 Housing Plan satisfies the obligation somewhat differently from how it was anticipated to be satisfied in the Settlement Agreement in order to address the conditions in the Order addressing Fairness and to account for new sites and information that arose during the time preparing this final plan. The Township received a Conditional Judgment of Compliance and Repose on December 18, 2018. It has been working to satisfy the conditions of the Conditional Judgment of Compliance and Repose to obtain a Final Judgment of Compliance and Repose from the Court.

Robert's Bill

In addition to the COAH Third Round judicial activity, there have been a number of efforts at statewide affordable housing reform over recent years. The most significant occurred on July 17, 2008, when Governor Corzine signed P.L. 2008, c.46, known as the "Roberts Bill", which amended the Fair Housing Act in a number of ways. Key provisions of the Roberts bill include the following:

- Eliminated regional contribution agreements ("RCAs");
- Added a requirement for 13% of third round affordable housing units to be restricted to very low income households (30% or less of median income);
- Established a statewide 2.5% nonresidential development fee instead of a nonresidential growth share delivery obligation for affordable housing; and
- Established a requirement that development fees be committed for expenditure within four years of being received by the municipality.

Moreover, on July 27, 2009, Governor Corzine signed the "NJ Economic Stimulus Act of 2009", which instituted a moratorium on the collection of nonresidential affordable housing development fees set forth by the "Roberts Bill". The moratorium has been extended to nonresidential property which had site plan approval prior to July 1, 2013 and a permit for the construction of the building prior to January 1, 2015.

In light of the "Roberts Bill", on or about July 17, 2012 Governor Christie anticipated recouping \$140 million for the 2013 budget from uncommitted monies in municipal

affordable housing trust funds which are four years old or older. However, on July 14, 2012 the Appellate Division issued an Order that outlined a process for municipalities to resolve disputes with COAH over their trust funds. This process included a notice from COAH outlining the amount of funds subject to forfeiture and the basis for the calculation. The court order further permitted municipalities to contest any proposed forfeiture before the COAH Board prior to any transfer of funds. The issue of trust fund forfeiture remains unresolved to this day. The Township will monitor the State's regulation of affordable housing trust funds.

Statewide Transfer of Development Rights Act

In March 2004, the State Transfer of Development Rights ("TDR") Act (*N.J.S.A. 40:55D-137*) was signed into law, authorizing transfer of development rights by municipalities throughout the state. Under the statute prior to implementing a TDR program a participating municipality needs to meet a number of requirements, including the adoption of Transfer Plan Element and Utility Service Plan Elements of the Master Plan as well as a capital improvement plan and a real estate market analysis. A municipality also needs to receive Initial Plan Endorsement from the State Planning Commission prior to adopting a TDR ordinance.

Permit Extension Act

The Permit Extension Act of 2008 was approved by the State Legislature in June 2008 and signed by the Governor on September 6, 2008. Under the Act, the expiration of certain state, county and municipal land development approvals is tolled from January 1, 2007, to July 1, 2010. The Act is intended to prevent the abandonment of approvals for projects and activities due to the present unfavorable economic conditions.

On July 1, 2020, Governor Murphy signed the Permit Extension Act of 2020. The Permit Extension Act of 2020 extends the term of certain governmental permits, approvals, and deadlines during what it is referred to as the "COVID-19 extension period," in order to prevent the abandonment of approved projects and activities, and the waste of public and private resources that would result if such projects and activities were required to repeat the application and approval process. The extension will allow projects to be ready to quickly resume when it is safe to restart normal business and government activity. Particularly, for any government approval subject to the Permit Extension Act that was in existence on March 9, 2020, the running of the period of approval is automatically suspended for the COVID-19 extension period, with certain exceptions specified in the Act. The COVID-19 extension period is defined as the period beginning March 9, 2020, and continuing for as long as the public health emergency declared by Governor Murphy, pursuant to the Emergency Health Powers Act, *N.J.S.A. 26:13-1 et seq.*, is in effect. The Act extends the government approval at least six months beyond the conclusion of the COVID-19 extension period, provided

the approval was validly issued, the term of such approval was unexpired as of March 9, 2020, and the recipient of the approval has registered the approval within the 30-day period after the publication date of this notice.

Master Plan Sustainability Element

In August 2008, the Municipal Land Use Law (*N.J.S.A. 40:55D-28*, regarding the preparation, contents and modification of a master plan) was amended to include a new optional master plan element, a “Green Buildings and Environmental Sustainability Plan Element.” This element is intended to encourage and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design.

Time of Application Law

The “Time of Application” Law was signed on May 5, 2010 and took effect on May 5, 2011. The effect of this statutory change is that the municipal ordinance provisions that are in place at the time an application for development is filed are those which are applicable, regardless of whether or not an ordinance is amended subsequent to such an application. This is a departure from previously established case law, where courts in New Jersey have consistently held that the ordinance that is in place at the “time of decision” (the moment the Planning Board or Zoning Board of Adjustment votes on the application) is the law that applies to the application.

This provision raised many concerns with municipalities. Principal among these is whether the new law provides opportunities for developers to have their development rights “locked in” by submitting applications that are incomplete. The Township’s definition of “application for development” within its Land Development Regulations states that the *“accompanying documents required for by this chapter for approval means all of the information required within the relevant development application checklists, which were adopted by ordinance, unless waivers for such information have been granted by the Board having jurisdiction.”* This definition shall require that a complete application be submitted by an applicant prior to “locking in” the current municipal ordinance provisions.

Water Quality Management Planning

On November 7, 2016, the New Jersey Department of Environmental Protection (“NJDEP”) adopted amended Water Quality Management Planning (“WQMP”) regulations, *N.J.A.C. 7:15-1 et seq.* The new rules will streamline the wastewater

planning process and eliminate the burdensome duplication of requirements found previously in both wastewater planning and other NJDEP permitting programs, such as reducing the number of analyses required and simplifying the water quality planning process. The County submitted a new Wastewater Management Plan to the NJDEP in October 2019 and is currently awaiting feedback from NJDEP before moving into the public notice phase. The Township should continue to assist the County in its efforts and provide the necessary information requested to the County.

NJDEP Stormwater Management Requirements

In February 2004, the NJDEP published two sets of new stormwater rules. The first set of rules is the Phase II New Jersey Pollutant Discharge Elimination System Stormwater Regulation Program Rules (*N.J.A.C. 7:14A*), which addresses the reduction of pollutants associated with existing stormwater runoff. The second set of rules, known as the Stormwater Management Rules (*N.J.A.C. 7:8*), sets forth the required components of regional and municipal stormwater management plans and establishes the stormwater management design and performance standards for new (proposed) development. Together the two sets of rules are intended to establish a comprehensive framework for addressing water quality impacts associated with existing and future stormwater discharges.

As required under the 2004 stormwater management rules, the Township prepared a Municipal Stormwater Management Plan (“MSWMP”). The goals of the MSWMP include reducing flood damage, minimizing increases in stormwater runoff from new development, reducing soil erosion, assuring the adequacy of culverts and bridges, maintaining groundwater recharge, preventing an increase in nonpoint source pollution, maintaining the integrity of stream channels, minimizing pollutants in stormwater runoff, and protecting public safety through proper design and operation of stormwater basins. To achieve these goals, the plan outlines specific stormwater design and performance standards for new development and proposes stormwater management controls to address impacts from existing development. The plan also includes preventative and corrective maintenance strategies to ensure long-term effectiveness of stormwater management facilities and outlines safety standards for stormwater infrastructure.

In March 2020, the NJDEP adopted new stormwater management rules that require the use of green infrastructure. This rule change signals a paradigm shift in NJ stormwater management in that it requires decentralized, distributed stormwater management practices that enable stormwater to infiltrate and more closely resemble the natural water cycle through the incorporation of best management practices such as vegetative swales, bioretention, green roofs, cisterns, wet ponds, infiltration basins and constructed wetlands. Moreover, the water quality standard will apply to “motor vehicle surface”, meaning paved or unpaved roads, driveways, parking lots, etc., instead

of impervious surface. The new rules took full effect on March 2, 2021. On March 17, 2021, the Township adopted Ordinance 21-013 to amend and update Chapter 577, Stormwater Control, of the Code of the Township of Hamilton to be consistent with the NJDEP Stormwater Management Rules.

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 “eligible facility” means any existing wireless tower or base station. The term “substantial change” is not defined by the law. Until regulation or case law is issued on this topic, Hamilton 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 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.

Renewable Energy Legislation

The New Jersey Legislature has been active since the 2008 Reexamination Report legislating to facilitate the production of alternative forms of energy. The following three new statutes, in particular, have changed the way alternative energy can be produced in New Jersey.

- **Industrial Zones.** The Municipal Land Use Law was amended March 31, 2009 to pre-empt local zoning authority and to permit, by right, solar, photovoltaic, and wind electrical generating facilities in every industrial district of a municipality. To be eligible for this permitted use, a tract must be a minimum size of 20 contiguous acres and entirely under one owner.
- **Inherently Beneficial Use.** The Municipal Land Use Law was amended to define inherently beneficial uses and to include solar, wind and photovoltaic energy generating facilities in the definition.
- **Solar Not Considered Impervious.** On April 22, 2010 an act exempting solar panels from being considered impervious surfaces was signed into law. This bill

exempts solar panels from impervious surface or impervious cover designations. It mandates that NJDEP shall not include solar panels in calculations of impervious surface or impervious cover, or agricultural impervious cover and requires that municipal stormwater management plans and ordinances not be construed to prohibit solar panels to be constructed and installed on a site.

In 2020, the Township adopted the Patterson Avenue Landfill Redevelopment Plan that allows for the development of a solar array or photovoltaic energy facility. Unlike residential or commercial uses that are supplying electricity for their own needs, the solar array installation in the redevelopment area is at a *utility scale*, in that it will generate greater than one megawatt of solar energy that is fed into the grid supplying a utility with energy.

Open Space Preservation

In November of 2014 New Jersey voters approved, via referendum, a constitutional amendment that will dedicate money from a business tax toward open space preservation. On June 30, 2016, the Senate and General Assembly approved the “Preserve New Jersey Act” that determined the funds would be allocated as follows:

- Green Acres: 60%
- Blue Acres: 4%
- Farmland Preservation: 31%
- Historic Preservation: 5%

Hamilton has increased its efforts to obtain funding for open space preservation and continues to actively acquire undeveloped tracts for open space preservation, with particular attention to those tracts that impact critical environmental resources. Mechanisms employed by the Township include fee simple purchase, purchase of development rights, donations and preservation of open space through the cluster subdivision provisions. Hamilton supports these activities through tax revenue and through partnerships with the State of New Jersey Green Acres, Mercer County, and private nonprofit land trusts.

As of March 2021, a total of 5,694.3 acres have been preserved within the Township comprised of 2,659.87 acres of Township-owned or deed restricted as Greenbelt, Farmland or Open Space, 264.18 acres of State-owned land and 1,174.6 acres of Mercer County-owned land and 1,595.65 acres of farmland has been preserved. This is more than the entirety of the City of Trenton which is 5,272.95 acres. An Open Space and Recreation Plan map identifying the existing preserved parcels within the Township is located in Appendix A. The Open Space and Recreation Plan map can also be found [here](#). The Township will continue to pursue open space preservation, supported by

Green Acres funding, County and local funding sources and with the aid of private nonprofit land trusts.

Moreover, the Mercer County Planning Board adopted the Master Plan Open Space Element in May 2016. The County's Open Space Element envisions a future where open space preservation protects the environment through good stewardship of the land, and reclaims and utilizes land in urban areas to provide quality local open space. The County encourages local ordinances that encourage and allow for TDR, cluster development and stream corridor preservation.

Mercer County 2020 Bicycle Master Plan

In March 2020, Mercer County adopted a Bicycle Master Plan. The Plan is a sub-element of the County's Master Plan Mobility Element and serves to enhance the County road network, as directed in the Mercer County Complete Streets resolution. The Bicycle Master Plan offers guidance to project development in the County's capital program. Its goal is to enhance the safety and convenience of bicycle travel on the County's road network and thereby improve the quality of life for everyone who lives and works in Mercer County.

Through the County Land Development process, the County Planning Board may require the installation of bicycle and pedestrian facilities on County highways or require that accommodations be made for future projects. Where municipal streets provide potentially desirable bicycle access to the County network, the County Planning Board may recommend consideration of bicycle improvements on those streets.

2020 Environmental Justice Legislation

On September 18, 2020, Governor Phil Murphy signed into law S232 which requires the NJDEP to evaluate the environmental and public health impacts of certain facilities on overburdened communities when reviewing certain permit applications. New Jersey is the first state in the nation to require mandatory permit denials if an environmental justice analysis determines a new facility will have a disproportionately negative impact on overburdened communities.

The bill defines an "overburdened community" as "*any census block group, as determined in accordance with the most recent United States Census, in which: (1) at least 35 percent of the households qualify as low-income households; (2) at least 40 percent of the residents*

identify as minority or as members of a State recognized tribal community, or (3) at least 40 percent of the households have limited English proficiency”².

Upon adoption of the rules and regulations implementing the provisions of the bill, the NJDEP shall not consider an application for a new facility, and expansion to an existing facility, or for the renewal of an existing facility’s major source permit complete for review for unless the applicant first:

- (1) Prepares and environmental justice impact statement that assesses the potential environmental and public health stressors associated with the proposed new or expanded facility, or with the existing major source, as applicable, including any adverse environmental or public health stressors that cannot be avoided if the permit is granted and the environmental or public health stressors already borne by the overburdened community as a result of existing conditions located in or affecting the overburdened community;
- (2) Transmits the environmental justice impact statement at least 60 days in advance of the public hearing in the overburdened community to the NJDEP and to the governing body and the clerk of the municipality in which the overburdened community is located;
- (3) Organize and conduct a public hearing in the overburdened hearing. Publish notice of the public hearing in at least two newspapers circulating within the overburdened community, including one local non-English language newspaper, as applicable, not less than 60 days prior to the public hearing.

The NJDEP has identified twenty-two overburdened communities within Hamilton that would be subject to the rules and regulations to be adopted. Ten of the overburdened communities qualify because at least 40% of the residents identify as a minority. The other twelve overburdened communities qualify because at least 35 percent of the households qualify as low-income households and at least 40 percent of the residents identify as minority.

A majority of the overburdened communities are located between the City of Trenton municipal boundary and Interstate 295. A map, prepared by the NJDEP, identifying the overburdened communities under the New Jersey Environmental Justice law within Hamilton is located in Appendix B.

² - Senate No. 232, Title 13, Chapter 1D, Part XI. (New) Overburdened Communities §§1-5-C.13:1D-157 to 13:1D-161.

2021 Municipal Land Use Law Amendments

On February 4, 2021, Governor Phil Murphy signed into law A-2785/S2607 that requires land use plan elements of a municipal master plan to include climate change-related hazard vulnerability assessments. The climate change-related hazard vulnerability assessment shall analyze current and future threats to and vulnerabilities of the municipality associated with climate change-related natural hazards including but not limited to increased temperatures, drought, flooding, hurricanes, and sea-level rise. Pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-28b(2)(h), the climate change-related hazard vulnerability assessment shall:

- i. *Analyze current and future threats to, and vulnerabilities of, the municipality associated with climate change-related natural hazards, including, but not limited to increased temperatures, drought, flooding, hurricanes, and sea-level rise;*
- ii. *Include a build-out analysis of future residential, commercial, industrial, and other development in the municipality, and an assessment of the threats and vulnerabilities identified in subparagraph (i) of this subparagraph related to that development;*
- iii. *Identify critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and for sustaining quality of life during a natural disaster, to be maintained at all times in an operational state;*
- 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 be implemented to reduce or avoid risks associated with natural hazards;*
- 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 natural hazard mitigation plan, floodplain management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan; and*
- vii. *Rely on the most recent natural hazard projections and best available science provided by the New Jersey Department of Environmental Protection.*³

New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act

On November 3, 2020, voters adopted a referendum to legalize the personal use of marijuana, or cannabis as it is called in the law. After several months of negotiations

³ - Municipal Land Use Law Amendment, adopted February 4, 2021.

between the Governor and the Legislature, the *New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act* was signed into law on Monday, February 21, 2021. The legislation established licensing of cannabis, municipal opt out provisions, certain land use controls, levels of municipal taxation, penalties, and established a Cannabis Regulatory Commission to function much like the Alcoholic Beverage Control Division does for alcohol.

The Cannabis Act established six types of cannabis establishments. Within 180 days of the effective date of the legislation, or August 20, 2021, a municipality may prohibit the operation of one or more license classes, except for Class 6, within its borders. If the municipal fails to enact an opt out ordinance, then the law automatically allows the uses and operations of the six license categories. If the municipality fails to act within the 180-day window, it must wait 5 years to enact such an ordinance and any establishment already up and running would be grandfathered. Not enacting an opt out ordinance would then enable the following actions to occur:

- The growing, cultivating, manufacturing, and selling and reselling of cannabis and cannabis items, and operations to transport in bulk cannabis items by a cannabis cultivator, manufacturer, wholesaler, or as a distributor or delivery service shall be permitted uses in all industrial zones of the municipality;
- The selling of cannabis items to consumers from a retail store by a cannabis retailer shall be a conditional use in all commercial zones or retail zones, subject to meeting the conditions set forth in any applicable zoning ordinance or receiving a variance from one or more of those conditions in accordance with the MLUL.

If the municipality elects to allow cannabis operations in whole or in part, it may govern the hours of operation, location, manner, number and type of cannabis licenses, provided it conforms to the law and rules of the Commission.

Model Electric Vehicle Supply/Service Equipment and Made-Ready Parking Spaces Ordinance

On July 9, 2021, Governor Murphy signed into law an act concerning electric vehicle supply equipment and Make-Ready parking spaces and amending and supplementing the Municipal Land Use Law (C.40:55D-1 et seq.) P.L. 1975, c.291. The law requires that Electric Vehicle Supply/Service Equipment (EVSE) and Made-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements related to EVSE in all 565 municipalities within New Jersey.

In order to implement the act, the Department of Community Affairs (DCA) was tasked with adopting a model statewide municipal EV ordinance on its website. The

model ordinance is required to include the installation, sightline and setback requirements and other health- and safety-related specifications for EVSE and Make-Ready parking spaces. The intent of the model statewide ordinance is to ensure that municipalities are requiring installation of EVSE and Make-Ready parking spaces in a consistent manner and also provide an ordinance that can be easily used by every municipality with no or minimal amendments by the municipality. The model statewide ordinance is mandatory and became effective in every municipality when it was published by the DCA on September 1, 2021. The Township adopted Ordinance 21-058 on October 19, 2021 amending and supplementing the Land Development Ordinance authorizing and encouraging electric vehicle supply/service equipment and make-ready parking spaces.

4 MAJOR PROBLEMS AND OBJECTIVES AT THE TIME OF ADOPTION OF THE 2008 REEXAMINATION REPORT AND 2011 MASTER PLAN, THE EXTENT TO WHICH THEY HAVE CHANGED & CURRENT RECOMMENDATIONS

The 2008 Reexamination Report and 2011 Master Plan provided a series of recommendations. Some of these have been addressed, some are no longer relevant and some remain as potential action items. The following provides a summary of the 2008 recommendations, an evaluation of their current relevance and current recommendations for Township planning policies and land use ordinances.

Master Plan Elements

It is recommended that the Township Master Plan Elements be updated as necessary.

This recommendation continues to be relevant. The Township updated its current Master Plan in 2011. The 2011 Master Plan contained the following master plan elements: Green Buildings and Environmental Sustainability; Conservation; Open Space and Recreation; Economic Development; Circulation; and, Land Use.

Recommendations:

- The goals and objectives should be reviewed and amended to support the current goals of the Township and to support any revisions to the Master Plan and land development regulations recommended in this report.

Reexamination Requirements “a”, “b”, and “d”

- a. 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.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- 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.

--- NJSA 40:55D-89

- The Land Use Element should be updated, within five years, to include a climate change-related vulnerability assessment.
- The Master Plan elements should be reviewed and updated to support the goals and objectives of the Township and any land development regulations recommended in this report.

Sloan Avenue/Transit Station Area

Develop a Transit Village Concept for the Sloan Avenue/Transit Station Area.

This recommendation continues to be relevant. The Township designated the Sloan Avenue/Transit Station Area as the Cyberdistrict Redevelopment Area which encompasses more than 1,000 acres, excluding the rail right-of-way. Redevelopment Plans have been adopted for specific sites located within the redevelopment area. Development of office space on a portion of the American Standard site is now nearly complete. On the remainder of the American Standard site, a 680-unit residential project was previously approved; however, the developer has indicated an interest in seeking changes to the approved plan and product mix. A transit village concept was developed for the Train Station area; however, no development has occurred on the NJ Transit site nor at the Congoleum site to date. The Township adopted a revised Redevelopment Plan, pursuant to Ordinance 21-001, effective February 23, 2021, for the former Congoleum site.

Recommendations:

- The Township should review the existing redevelopment plans and update them as necessary.
- The Township should adopt redevelopment plan(s) for additional properties located within the Cyberdistrict Redevelopment Area, as necessary.

Affordable Housing

Revise the Housing Element and Fair Share Plan and seek approval from the Council on Affordable Housing for the affordable housing plan.

This recommendation continues to be relevant; however substantive certification is now obtained from the Courts instead of COAH. The process and rules regarding municipal affordable housing obligations have been in turmoil over the past decade due to ongoing litigation.

After numerous iterations, on January 23, 2020, the Township adopted an Amended Third Round Housing Element and Fair Share Plan. Hamilton's adopted 2020 plan

addressed a third round affordable housing obligation, as identified in the December 19, 2019 Settlement Agreement between the Township and Fair Share Housing Center (FSHC), of a 310-unit rehabilitation share, a 705-unit prior round obligation, and a 521-unit third round obligation (gap + prospective need). This 2020 Amended Third Round Housing Element and Fair Share Plan incorporates and implements the terms of the 2016 Settlement Agreement between the Township and FSHC and will serve as the foundation for the Township's application for a Judgment of Compliance and Repose by the Court. The Township received a Conditional Judgment of Compliance and Repose on December 18, 2018.

Recommendation:

- Ensure affordable housing units and projects are consistent with State/Court standards.
- Collect affordable housing funds and use them wisely.
- Complete annual monitoring on the status of all affordable housing activity and housing trust fund activity as required by the 2016 Settlement Agreement with FSHC.
- Complete a review of the Township's very-low income housing requirements within 30 days of the third anniversary of the 2016 Settlement Agreement with FSHC, dated December 19, 2016, and every third year thereafter.
- Review and evaluate the unit integration requirements in the affordable housing ordinance and update as necessary.
- Evaluate if the Land Development Code should be amended to permit accessory apartments within certain district, subject to affordable housing requirements.

Historic Preservation

Districts and sites which have retained their historic character should be documented and preserved.

This recommendation is still relevant. The Township has two historic districts eligible for the National Register – Groveville Historic District and the North Crosswicks Historic District – both of which have been designated by the Township as Historic Preservation Areas. Additionally, the Township has identified 36 sites as having historic significance.

Recommendation:

- Confirm that the Groveville Historic District and North Crosswicks Historic District were designated as local historic districts through the adoption of an ordinance.
- Continue to pursue New Jersey and National Register designation of the Groveville Historic District and the North Crosswicks Historic District.
- Incorporate the results of the “Reconnaissance-Level Historic Sites Survey” prepared by the Hamilton Historic Preservation Advisory Commission and the Historical Society of Hamilton Township into a Historic Preservation Element of the Master Plan.
- Continue to have the Historic Preservation Advisory Commission review development applications for sites which are historic or located within a historic district and provide recommendations to the Board of Jurisdiction.

Duck Island

The Township should prepare planning studies regarding the use of Duck Island.

This recommendation has been satisfied. The planning studies have since been completed and outline possible development scenarios for this area as well as some of the constraints that would need to be overcome and regulatory changes needed to enable future development to occur. The Mercer Generating Station, a retired coal-fired power plant, is being redeveloped for two warehouses totaling 1.23 million square feet, due for completion by the middle of 2021. Construction is currently underway.

Rezoning along Crosswicks-Hamilton Square Road

The Township should rezone the residential properties along Crosswicks-Hamilton Square Road.

This recommendation has been satisfied. No further action is necessary⁴. The Township rezoned the following properties along Crosswicks-Hamilton Square Road as Highway Commercial:

⁴ Recommendations to add Block 2712 Lots 151 and 156 made by Robert Poppert, AICP, PP, Township Planner, in memorandum dated April 30, 2021.

- Block 2712, Lot 138.03,
- Block 2712, Lot 149,
- Block 2712.01, Lot 143,
- Block 2712.01, Lot 144,
- Block 2712.01, Lot 145,
- Block 2712.01, Lot 146, and
- Block 2712.01, Lot 147.01.

Route 130/I-195 Corridor Rezoning

The Township should rezone the Route 130/I-195 Corridor for mixed-use development.

This recommendation continues to be relevant. The 2008 Reexamination Report included an analysis of proposed rezoning for two tracts located within the Route 130/I-195 Corridor. The analysis recommended amendments to the Township’s Master Plan and zoning ordinance to permit additional mixed use development with the Route 130/I-195 Corridor.

Recommendations:

- The Township should review and evaluate the current development patterns along the Route 130/I-195 Corridor to determine if mixed-use development continues to be feasible.
- The Township should amend the Township’s Master Plan and zoning ordinance, as may be necessary, for the Route 130/I-195 Corridor.

Route 130 Corridor Vision Plan and Design Guidelines

The Township should adopt design guidelines for the Route 130 Corridor.

This recommendation still remains relevant. The 1998 Vision Plan and Guidelines developed for the Route 130 Corridor by Wallace, Roberts and Todd discussed the need and opportunity for a more spatially cohesive and attractive development of the commercial corridor. The Vision Plan recommended establishing a public and private sector partnership in order to channel growth along Route 130 into a high quality commercial, entertainment, employment and specialty residential “District” serving a regional population. Design guidelines for gateways, site entrances, nodes, and enhancement zones were provided in the plan, including recommendations for enhancement of landscape and streetscape elements, signage, and lighting.

Guiding principles for improving the appearance and function of the Route 130 corridor were also set forth in a May 2007 document, “A Choice for the Future: Route 130, Mercer County, NJ”, that was based on visioning workshops organized by the

Greater Mercer TMA and Mercer Regional Chamber of Commerce, funded through a grant from the New Jersey Office of Smart Growth. The guiding principles focused on regional mobility issues, landscape improvements, supporting commerce through better signage and access, enhancing community identity, adapting to infrastructure limitations and market trends, and promoting a shared leadership and vision.

Recommendations:

- Review the vision statements, guidelines and principles from the 1998 and 2007 documents to confirm they are still applicable to the Route 130 Corridor.
- Prepare ordinance amendments to implement more consistent design standards along the Route 130 corridor as envisioned under the corridor studies.

Open Space and Recreation Planning

Continue to fulfil the open space and recreational needs of the Township.

This recommendation continues to be relevant. In 2011, the Township adopted an Open Space and Recreation Plan Update, which identified 4,514 acres of existing public open space and preserved farmland in the Township, representing approximately 17% of the Township's total acreage. The plan proposed the acquisition almost 250 acres of land to be used for active and passive parks and the addition of farmland in the Farmland Preservation Program. The plan also recommends the preservation of 21 miles of stream corridors that lie within Hamilton. The plan advocated preserving the majority of the existing 2,916 acres of undeveloped land in the Township to the extent practicable.

Recommendations:

- Adopt a new Open Space and Recreation Plan.
- Continue to pursue open space preservation, supported by Green Acres funding, County and local funding sources and with the aid of private nonprofit land trusts.
- Target acquisition of open space and recreation properties, via purchase and/or easement, to those neighborhoods lacking convenient access to passive and or active open space and to those properties that will contribute to a comprehensive greenway system throughout the Township.
- Target acquisition of farmland properties, via purchase and/or easement, to those within the Mercer County Agricultural Development Area ("ADA") for Hamilton Township.

- Coordinate the creation of new recreation facilities with the needs and desires of the intended users.
- Engage resident organizations, formal and informal, about the ongoing maintenance needs of the Township’s open space and recreation areas.
- Install walking/hiking and biking facilities such as sidewalks, bike lanes and bike racks at the Township’s park and recreation areas and greenways.

Tax Abatement for Home Repairs

This recommendation has been satisfied. The Township adopted an ordinance providing for Township-wide tax abatement of certain home repairs. No further action is necessary.

Arts of Culture Initiative

The Township should prepare a plan for the Arts and Culture District that would include a vision statement and recommendations regarding permitted uses and design standards.

This recommendation has been satisfied. The Township adopted an Arts and Culture Land Use Plan Amendment in 2009 that identifies goals, a vision statement and recommendations regarding permitted uses and design standards.

Green Buildings and Environmental Sustainability Element

The Township should encourage and promote the efficient use of natural resources and sustainable site planning and building practices.

This recommendation continues to be relevant. The Township adopted a Green Buildings and Environmental Sustainability Plan Element as part of its 2011 Master Plan that set forth a number of recommendations.

Recommendation:

- Encourage green building design, including energy conservation, to be incorporated into new development and building renovations to the extent possible.
- Promote street connectivity and complete streets policies in the development of new roads and as part of road improvements.
- Promote sustainable landscape practices through revisions to the landscape ordinance.

- Support compact development patterns which offer a mix of uses which are well served by alternative means of transportation.

Conservation Element

The Township should protect natural resources and establish responsible resource management.

This recommendation continues to be relevant. The Township adopted a Conservation Element as part of its 2011 Master Plan that set forth a number of recommendations.

Recommendation:

- Continue to identify, preserve and protect greenways and conservation areas throughout the Township.
- Increase awareness, appreciation and maintenance of trails and greenways.
- Conduct a feasibility of greenways along Miry Run and Pond Run to identify potential trail alternatives and access points.
- Amend the Land Development Code to discourage the planting of invasive species.
- Adopt a policy to promote the use of native plants.
- The Flood Damage Prevention ordinance should be reviewed to confirm it is in compliance with the most recent NJDEP regulations and update the ordinance, as necessary.
- The Stream Buffer Conservation Zone ordinance should be reviewed to confirm it is in compliance with the most recent NJDEP regulations and update the ordinance, as necessary.

Stormwater Management Plan and Ordinance Revisions

Provide effective stormwater management and reduce impacts of flooding throughout the Township.

On March 2, 2020, the NJDEP adopted new Stormwater Management Rules (N.J.A.C. 7:8). The Rule changes with the most impact on stormwater management planning fall into three areas: (1) Modification/clarification of existing definitions or the addition of new definitions that will affect the approach to the application of stormwater management measures for various types of development; (2) Replacement of the requirement to provide nonstructural stormwater management strategies with specific

standards, called Green Infrastructure, to use in meeting the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards; and (3) Updates the Freshwater Wetland Protection Act and Flood Hazard Area Control Act rules to make consistent with the amendments to the Stormwater Management Rules. The new Rules became effective on March 2, 2021. On March 17, 2021, the Township adopted Ordinance 21-013 to amend and update Chapter 577, Stormwater Control, of the Code of the Township of Hamilton to be consistent with the NJDEP Stormwater Management Rules.

Recommendation:

- Evaluate and revise the Stormwater Management Plan to be consistent with the new NJDEP Stormwater Management rules, as necessary.
- Evaluate if the Township should establish a stormwater utility.

Land Use Ordinances

The Township should review and update the existing Land Use Legislation, as necessary, and adopt new ordinances as needed.

This recommendation still remains relevant. The Township's Land Use Legislation includes regulations for Environmental Impact Statements (Chapter 530, adopted in 1994) Flood Damage Prevention (Chapter 536, adopted in 1994, last amended in 2016), Land Development (Chapter 550, adopted in 1994, last amended 2020), Site Investigation and Soil Sampling (Chapter 565, adopted in 1994, last amended in 2006), Soil Removal (Chapter 572, adopted in 1994), Stormwater Control (Chapter 577, adopted in 1994, last amended in 2021), and Stream Buffer Conservation Zone (Chapter 583, adopted in 1994).

Recommendations:

- Review and update the definitions within the Land Development Code as necessary.
- Review and update all of the uses (permitted, accessory and conditional uses) within all of the zoning districts.
- Evaluate and update the standards for automobile and gasoline service stations, fast food restaurants, and hotels as necessary.
- Review, evaluate and implement the recommended Proposed Land Use Changes in the 2011 Land Use Element and achieve consistency between the zoning map and existing land uses, where such uses are appropriate.

- Review the zoning map and amend the zoning map as necessary.
- Review the zoning district designation for Herbert Avenue and rezone as necessary.
- Review the zoning district designation for the lots located at the terminus of Stanbery Way as RD Research Development district and rezone as necessary⁵. The basis for the recommendation is further discussed in the Land Use Element which follows this section.
- Amend Section 550-74 R-15, R-10, R-7 and R-5 Single-Family Residential Districts to create a permitted conditional use for age-restricted residential uses, assisted living facilities and continuing care facilities on existing campuses of places of worship. The basis for the recommendation is further discussed in the Land Use Element which follows this section.
- Adopt a Mixed-Use Overlay zone for Block 2610, Lots 27.01 and 27.02, commonly referred to as Waterview Center, located in the southwestern quadrant of the intersection of Klockner Road and Interstate 195. The basis for the recommendation is further discussed in the Land Use Element which follows this section.
- Evaluate if there is a continued need to amend the Land Development Code to provide alternative lot standards (setbacks, lot width, lot depth, impervious cover, etc.) for residential lots which are undersized for their zone district.
- Evaluate if there is a continued need to amend the Land Development Code to create alternative standards for existing nonconforming lots, most notably in the Rural Resource Conservation (RRC) district, that will enable property owners to improve their homes with additions, etc. without requiring variances from the Board of Adjustment.
- Evaluate if residential uses should be permitted above nonresidential uses and in what zoning districts and amend the Land Development Code, as applicable.
- Consider expanding the warehouse architectural design standards to include minimum design standards for all commercial buildings.

⁵ - Per formal recommendations of James. T Kyle, PP, AICP, Kyle McManus and Associates, March 18, 2021 and Robert Poppert, AICP, PP, Township Planner, April 30, 2021.

- Consider adopting standards that would encourage shared driveways and vehicular connections between adjacent parking lots.
- Consider adopting standards for billboard that would preserve the attractiveness of the Township.
- Create zoning incentives to motivate desirable redevelopment and revitalization.
- Consider revisions to the Land Development Code to clarify and rationalize design, bulk and use standards applicable to all zoning districts.
- Encourage the redevelopment of brownfields and underutilized sites through marketing and/or rezoning as appropriate.
- Evaluate the list of permitted and conditionally permitted uses in the Industrial (I) and Manufacturing (MFG) districts and their respective definitions to provide expanded opportunities for employment and economic development in a manner that is sensitive to its surrounding neighborhoods.

Transportation Improvement District

The Township should create Transportation Improvement Districts to help mitigate the cost of improvements in problematic areas.

The Township has two Transportation Improvement Districts (“TIDs”): the “Central Area TID” and the “Sloan Avenue/Quakerbridge Road TID”. The purpose of the TIDs is for the collection from applicants of fair share monetary contributions to be used by the Township to construct the street improvements within each TID described in the Circulation Element of the Master Plan.

Recommendations:

- Evaluate and update the TID ordinance as necessary.
- Review and update the “TID Area” subplan of the Circulation Element of the Master Plan as necessary.
- Review and extend the TID areas, as necessary.
- Amend the zoning map to identify the locations of the transportation improvement districts.

- Review and update the feasibility studies, including the intersection of Route 130 and Klockner Road/Crosswicks Hamilton Square Road, identifying circulation improvements within the TIDs as necessary.

Electric Vehicles

The Township should encourage use of alternatively fueled vehicles, such as hybrid, natural gas and electric.

The Township is the first municipality in the State of New Jersey to store and supply E85 (85% ethanol and 15% gasoline) for a portion of its municipal fleet. The Township is also using B20 (20% processed soybean oil and 80% diesel fuel) in all of its diesel vehicles. Furthermore, in April 2008, the Township modified its contract with its solid waste collection contractor to state clean fuel technologies must be used on all collection vehicles. The Township should encourage the use of alternatively fueled vehicles throughout the entire municipality.

Recommendations:

- Encourage the inclusion of charging stations in municipal parking lot upgrades.
- Evaluate and update the Land Development Code to include provisions for charging stations in new parking garages and surface parking lots.
- Consider incorporating charging stations within the Township's streetscape design standards.

Cannabis Related Land Uses

The Township should evaluate if Hamilton is a suitable location for cannabis licenses and adopt land use regulations, as necessary.

On November 3, 2020, voters adopted a referendum to legalize the personal use of marijuana, or cannabis as it is called in the law. After several months of negotiations between the Governor and the Legislature, the *New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act* was signed into law on Monday, February 21, 2021. The legislation established licensing of cannabis, municipal opt out provisions, certain land use controls, levels of municipal taxation, penalties, and established a Cannabis Regulatory Commission to function much like the Alcoholic Beverage Control Division does for alcohol.

The legislation established six classes of cannabis licenses. Within 180 days of the effective date of the legislation, or August 20, 2021, a municipality may prohibit the

operation of one or more license classes, except for Class 6, within its borders. If the municipality fails to enact an opt out ordinance, then the law automatically allows the uses and operations of the six license categories. If the municipality fails to act within the 180-day window, it must wait 5 years to enact such an ordinance and any establishment already up and running would be grandfathered.

Recommendations:

- Evaluate if Hamilton is a suitable location for any or all of the six classes of cannabis licenses.
- If the Township elects to allow cannabis operations in whole or in part, it should adopt an ordinance regulating the hours of operation, location, manner, number and type of cannabis licenses, provided it conforms to the law and rules of the Commission.
- Evaluate if the Township will impose a separate local licensing or endorsement requirement, in addition to the State’s licensing requirement, as part of its restrictions on the number of cannabis establishments, distributors or delivery services or their location, manner or times of operation. This would be similar to regulating liquor licenses.
- Adopt an ordinance imposing a “transfer tax” on the sale of cannabis or cannabis items by a cannabis establishment that is located within the Township.

5 LAND USE ELEMENT

During the course of the master plan reexamination process in May and June 2021, the Planning Board entertained suggestions from property owners and prospective developers for changes in the land use category of specific parcels. In addition, the Township's professional staff and consultants made recommendations for use reclassifications as well. Generally speaking, these recommended changes fall into the category of revitalization. The changes proposed are intended to promote the Township's economic development efforts. The land use changes will create incentives for revitalization in a manner which is consistent with the Goals and Objectives of the Master Plan.

Creation of a Permitted Conditional Use in Section 550-74 R-15, R-10, R-7 and R-5 Single-Family Residential Districts within the Township's Land Development Code

A conditional use to permit age-restricted residential uses, assisted living and continuing care facilities on existing campus of places of worship located within the R-5, R-7, R-10 and R-15 Single-Family Districts is recommended. These single-family districts are scattered throughout the Township with the R-10 district having the largest land area.

Churches and other places of worship, Sunday school buildings and parish houses are already permitted conditional uses within the R-5, R-7, R-10 and R-15 Single-Family Districts. The standards of the conditional use include:

- The minimum lot area shall be two acres.
- The property should have primary access to a right-of-way 70 feet or greater in width.
- All buildings shall conform to the maximum height standard for the zone.
- The applicant should submit a list of proposed activities, anticipated participants and a timetable reflecting the hours in which each building will be un use so that parking requirements can be determined.
- No building, activity area or parking facility shall be located within 50 feet of any property line. The above-mentioned facilities shall be buffered from any residential property or zone with a live buffering of massed evergreens as well as fencing.

- No parking shall be permitted between any right-of-way line and the front yard requirement of the one in which the structures are proposed to be located.
- Any church existing prior to February 1, 1979, is exempt from the standards and subject only to site plan review.

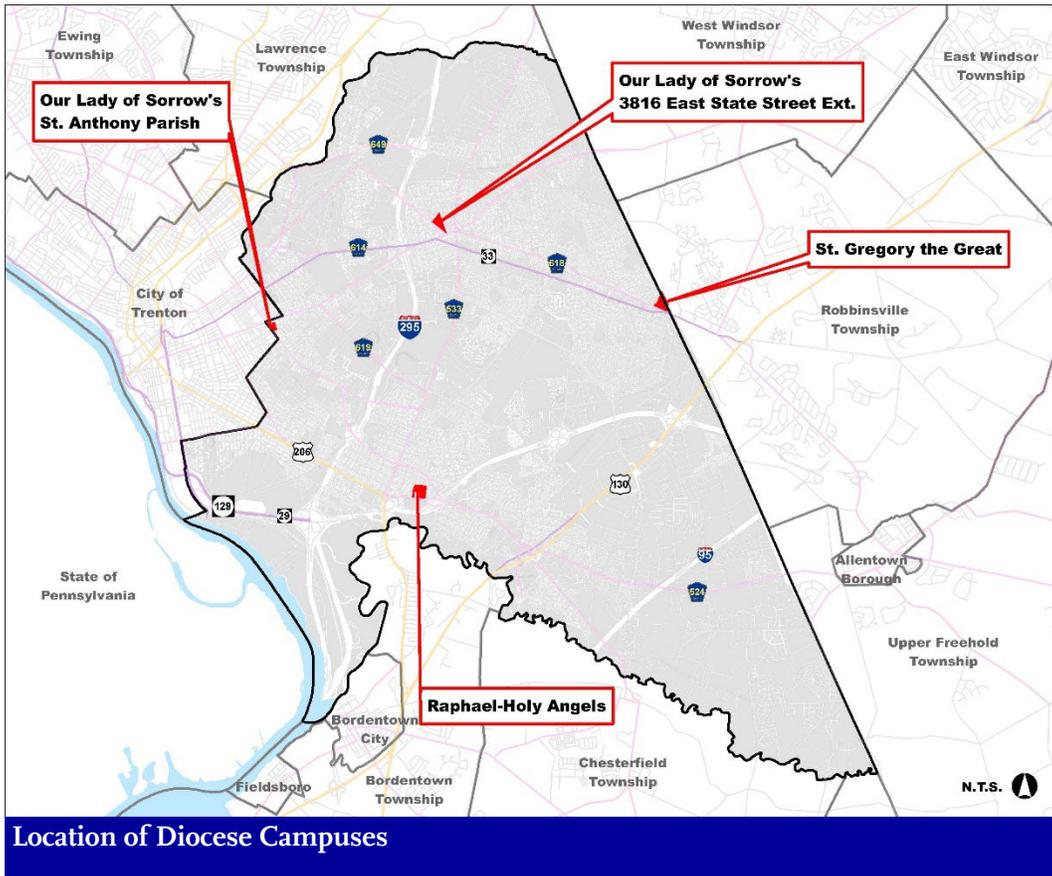
Over the past decades, unfortunately, the number of active parishioners has declined across the northeast portion of the country. In fact, the Pew Research Center's 2014 U.S. Religious Landscape Survey, has indicated that the Christian share of the U.S. population is declining (-7.8%), while the number of U.S. adults who do not identify with any organized religion is growing (6.7%). In addition, the number of priests, nuns, religious individuals have also declined. Catholic school enrollments have declined. This has led to less utilization of parish buildings and facilities as convents have emptied and consolidated and rectories, schools and even churches have closed or merged.

The Diocese of Trenton has found themselves in this exact situation with vacant parish buildings on their existing campuses due to convents and schools closing. Being able to continue to utilize those facilities to help those with needs within the Township and surrounding area, like the aged and infirmed, with low intensity uses like senior housing or assisted living, could be an appropriate use of some facilities that still generates less intensity than the original use. As such, they are seeking for ways to repurpose and adaptively reuse the existing buildings or add additional buildings to the campuses for age-restricted residential dwellings, assisted living facilities or continuing care facilities.

The goal of the new conditional use is to develop a best practices and strategic approach for preserving and reusing existing campuses of places of worship, while maintaining their architectural integrity, serving community identified needs, and reducing the need for new development.

Based on the 2019 American Community Survey, approximately 33.3% of the Township's population, or approximately 30,750 residents, is the age of 55 or older. The Township currently has approximately twelve age-restricted developments, twelve assisted living facilities and one continuing care facility. Given that approximately one third of the Township's population is 55 years of age or older there appears to be a need for more age-restricted housing, assisted living facilities and continuing care facilities if the Township's senior population will be able to remain within Hamilton.

The former convent and schools on the campuses of places of worship are especially suitable for the conversion to age-restricted apartments, assisted living facilities or continuing care facilities as they buildings are already partitioned into several individual rooms, they have large windows and beautiful light-filled spaces and tall ceilings. The adaptive reuse is more than adding new uses within the Township, it is an economic development tool for the Township with the addition of new jobs and residents. The benefits of adaptive reuse can be applied to a full spectrum of sustainability as building reuse is also identified as environmentally conscious.



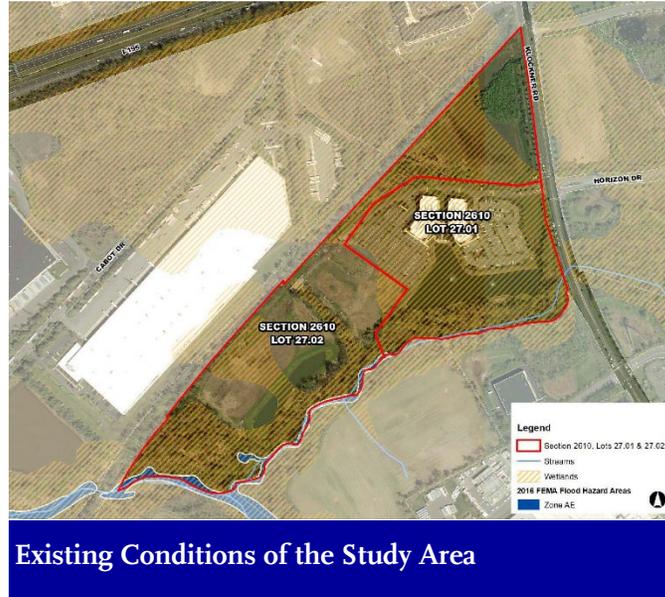
Creation of a new Mixed-Use Overlay Zone

A mixed-use overlay district permitting multi-family residential, office and research uses is recommended for the approximately 48.5-acre tract at the southwest corner of Klockner Road and Interstate 195 identified as Block 2610, Lots 27.01 and 27.02. This rezoning would facilitate the development of new housing types with a variety of incomes as well as compatible office and research uses, in proximity to Genesis Village

I and II. Genesis Biotechnology has indicated an interest in facilitating further mixed-use development to complement the existing mixed-use campus at this location.

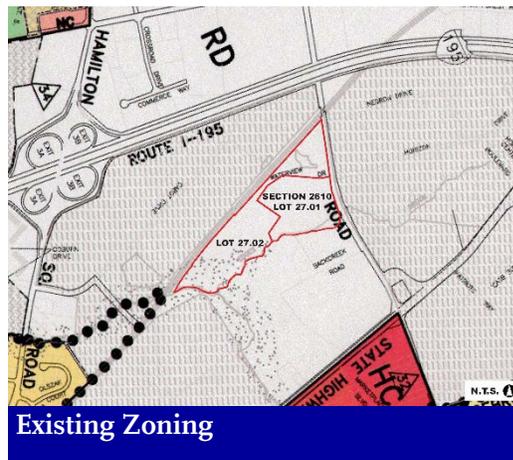
Existing Conditions of the Study Area

Existing conditions of the study area (see *Existing Conditions of Study Area*) were considered. The properties, which are accessible from Klockner Road and Waterview Drive. Lot 27.01 is improved with two corporate office buildings with 120,000 square feet of total floor area, parking, plantings, lighting and a stormwater management basin. Lot 27.02 is currently undeveloped except for a bridge, and contains fields, wetlands, and a pond. In 2006, site plan approval was received for Lot 27.02 for two additional office buildings with 180,000 square feet of total floor area. The Edges Brook flows along the southerly lot line of the study area.



Existing Zoning and Land Use for Study Area and Surrounding Neighborhoods

The study area is located within the RD Research and Development District. This is the Township's largest nonresidential district. In fact, the RD District in the vicinity of Route 130 and Kuser Road has been one of the Township's major generators of economic development over the past decade. With the significant development potential that remains in this district, it is anticipated to continue to play a major role in economic development in the coming years.



The RD District permits, but is not limited to, office buildings, commercial printing establishments, activities of an industrial, medical or scientific research laboratory, medical and dental laboratories, computer and data processing services, research and engineering activities, publishing houses, pharmaceutical products operations, assembly and treatment of previously prepared materials, distribution and warehousing, and research and development parks on tracts of land at least 25 acres in area. Planned mixed-use and development parks are also permitted on tracts of at least 100 acres.

As discussed in the 2011 Economic Development Element of this Master Plan, the Township was named as the home for Genesis Biotechnology Group – a consortium of biotechnology companies. Genesis has been purchasing developed and undeveloped land in the RD District in an effort to provide space for its companies. Several of the buildings along Kuser Road and Black Forest Road are occupied by biotechnology companies associated with the Genesis Biotechnology Group. The build out associated with Genesis will have a significant positive impact on the tax base and employment base in Hamilton – in fact, Genesis is already one of the largest employers in the Township.

Parcels to be included in the Overlay Zone

The following parcels should be included in the overlay zone and separated into two (2) principal subareas as shown on the “Parcels Included in the Overlay Zone Identified by Sub-Area” map:

1. Area A to contain Lot 27.01 in Block 2610
2. Area B to contain Lot 27.02 in Block 2610



Existing Township Master Plan

The Township’s Land Use Plan goals and objectives set forth a planning rationale in support of the proposed overlay zone. The specific goals include:

- Goal 1: Encourage properly scaled infill development and redevelopment throughout the Township’s developed areas.

- Objective 1a: Ensure that infill development is done in a manner that respects the style and scale of surrounding buildings.
- Objective 1c: Encourage a broad range of nonresidential uses in traditionally single-use commercial centers, such as office parks and shopping centers, so as to increase convenience to patrons and reduce vehicle miles travelled.
- Objective 1d: Direct the development of regional uses (retail, including entertainment, office and industrial) which serve a regional market and may be significant traffic generators to areas where there is convenient access to the regional highway and/or rail network.
- Objective 1f: Promote mixed-use neighborhood centers in order to encourage redevelopment of large underutilized properties, enhance opportunities for residents to shop locally and to reduce vehicle miles travelled.

Goal 4: Promote the development and redevelopment of attractive retail, office, industrial and mixed-use areas through the application of architectural and site design standards.

Objectives for the Mixed Use Development

In order to encourage the sound utilization and promote a strong sense of community in the vicinity of the Genesis Biotechnology mixed-use campus at the intersection of Klockner Road and Interstate 195; the mixed-use overlay ordinance provisions are intended to facilitate the following objectives:

1. Provide an alternative development scheme for certain lands within the limits of the RD-Research Development Zone that complements adjacent corporate office/research multi-family residential and related retail business use;
2. Advance principals of smart growth;
3. Encourage better movement and transportation of Township residents and employees;
4. Promote pedestrian connectivity;
5. Amenitize and strengthens the Township's economic base; and

6. Affirmatively respond to the need of corporate office/research uses in the district.

Proposed Overlay Zone Concept Plan

Over the last several year Genesis Biotechnology Group has obtained use variance approvals on directly adjacent RD Research Development zoned lands for Genesis Village I and Genesis Village II. Genesis Village I, which has already been building, includes multi-family residential units together with ground floor retail business space while Genesis Village II was just approved in 2020 and is exclusively for multi-family apartments. The addition of Lot 27.02, to be known as Genesis Village III, would further complement the existing mixed-use campus at this location.

The proposed mixed-use overlay zone would effectively retain the underlying RD Research Development District regulations but would add a multi-family residential component. Under the overlay zoning, Area A would be subject to the existing requirements of the RD Research Development District while the development in Area B would be subject to a series of standards regulating density, height, coverage, setbacks and bedroom distribution. The multi-family development would also be subject to the Township's affordable housing mandatory set-aside ordinance.

The mixed-use overlay zone would permit the establishment of mixed-use land development combining various types of office, research and multi-family residential development to allow a more diverse development pattern to occur on vacant properties. Furthermore, the overlay zone would provide for such uses within a planned, relatively compact node consistent with the center-based planning paradigms of the New Jersey State Development and Redevelopment Plan. The overlay zone would enable lands within the study area to be developed, redeveloped and upgraded in a manner consistent with, and firmly integrated with, the surrounding context. It also would advance several purposes of the Municipal Land Use Law, such as:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State in a manner which will promote the public health, safety, morals, and general welfare;
- c. To provide adequate light, air and open space;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- i. To promote as desirable visual environment through creative development techniques and good civic design and arrangement.

m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.”



Rezoning of the Block 2712, Lots 151 and 156

It is recommended that Block 2712, Lots 151 and 156, currently in the RRC Rural Resource Conservation District, is rezoned to the RD Research Development District⁶. The rezoning can be accomplished without negatively impacting the adjacent farming and residential uses. The character and land use of those lots currently along

⁶ Per formal recommendation of James. T Kyle, PP, AICP, Kyle McManus and Associates, March 18, 2021

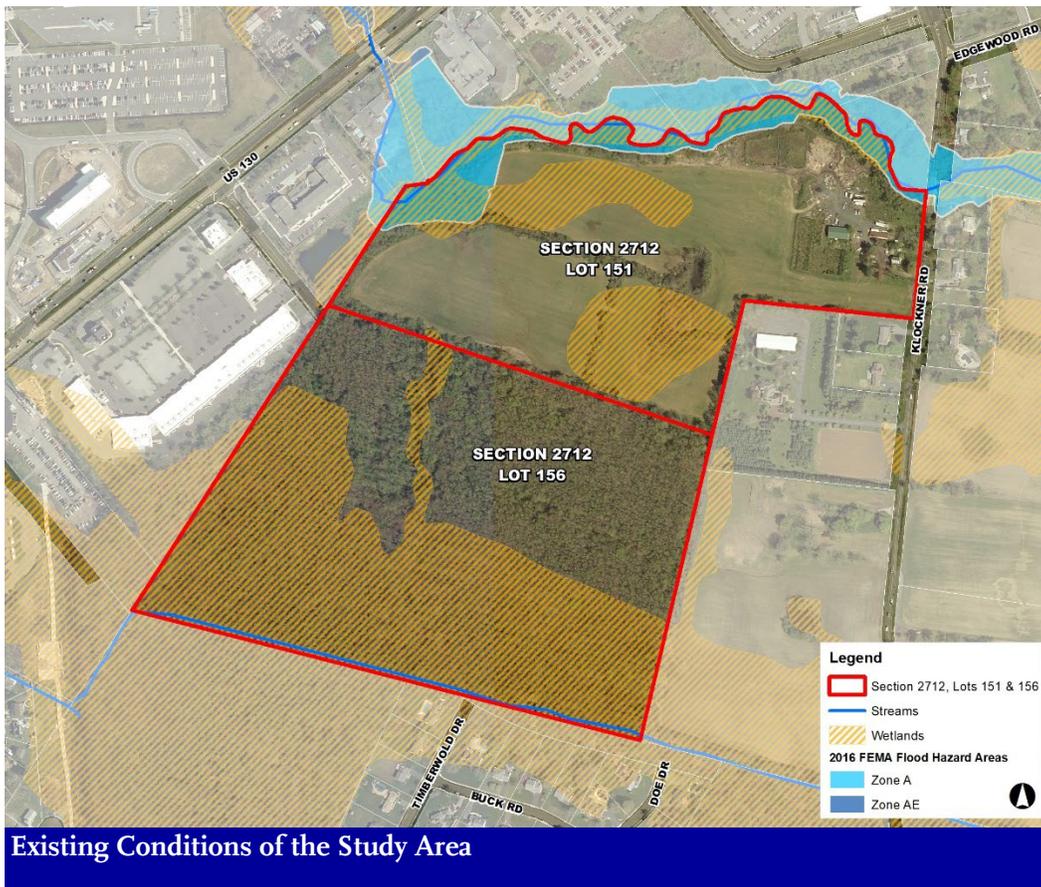
Crosswicks Hamilton Square Road will remain and not change. Farms and residential homes will remain the prominent land use on Crosswicks Hamilton Square Road, which is one of several gateways to the RRC Rural Resource Conservation District. It is also recommended, in conjunction with the rezoning, the Central Area Transportation Improvement District is expanded to include Block 2712, Lots 151 and 156 and to remove certain sections of Master Plan roadways – terminus of Stanbery Way to a proposed connection to Crosswicks Hamilton Square Road and Edgebrook Road (proposed major collector and portions of the proposed minor collector).

Existing Conditions of the Study Area

Totally just over 96 acres, the study area is located east of State Route 130 at Stanbery Way behind the former Shoppes at Hamilton and west of Crosswicks-Hamilton Square Road south of Marketplace Boulevard Extension. Lot 156 has fifty-feet of frontage along Stanbery Way and is otherwise landlocked while Lot 151 has approximately five hundred feet of frontage on Crosswicks Hamilton Square Road. Back Creek borders Lot 151 on its northern edge and includes floodplain area delineated by FEMA, although it is not extensive. Currently, Lot 151 is actively farmed and contains a homestead and Lot 156 is vacant and mostly wooded. Both lots contain areas of delineated wetlands that total approximately 38 acres. Surrounding land uses include primarily nonresidential uses to the west along Route 130 corridor and residential and agricultural uses to the east and south.

Existing Zoning and Land Use for Study Area and Surrounding Neighborhoods

While the study area is located within the RRC Rural Resource Conservation District, the uses situated on Route 130 adjacent to the study area include a warehouse containing US Post Office operations, a small commercial building, a pad site housing the Hamilton Tap & Grill, a Residence Inn Hotel and a warehouse now under construction repurposing the failed Shoppes at Hamilton site. Also adjacent to the study area are Rico's Auto Body, a commercial strip center and two properties housing the Hamilton Honda. Along Route 130 immediately west is a large FedEx distribution facility, Body by Mule, a new Marriot Courtyard hotel, a mx of industrial uses and another site slated for development adjacent to the original US Post Office site. The large-scale Hamilton Marketplace commercial project, which now includes an approved distribution facility adjacent to Enchantment at Hamilton residential, is located to the north of the site. Also situated to the north is the Home Depot site, the Hilton Garden hotel and TGI Fridays pad site, the Horizon Center commercial office project, the Homewood Suites Hotel and a recently approved distribution facility at Route 130 and Kuser Road. Taken together, these properties, including the study area



Existing Conditions of the Study Area

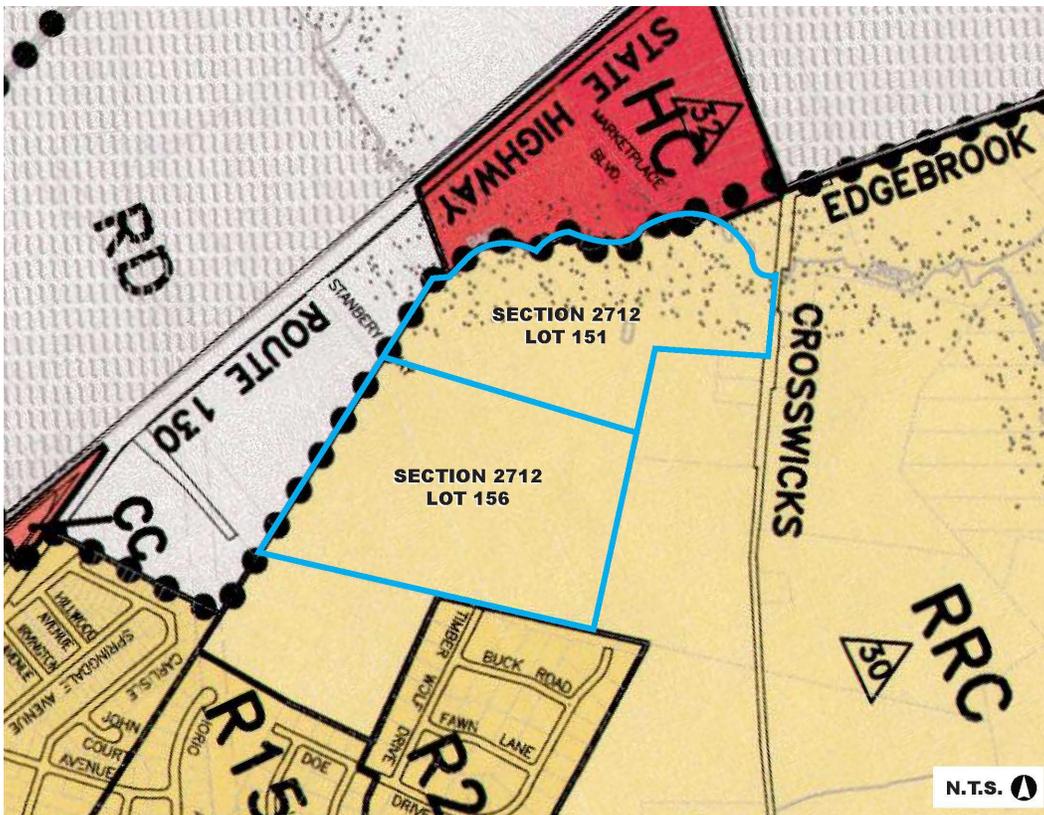
and the Route 130 corridor, form a planning area where the Township should continue to focus economic development efforts.

The RRC Rural Resource Conservation District permits, but not limited to, farms, single-family detached dwellings, public recreation and community center buildings and grounds, public libraries, parks and playgrounds, buildings used exclusively by federal, state, county or local municipal government for public purposes, repair and maintenance of farm buildings and machinery located on the same premises, keeping of animals and conservation areas and public purposes areas.

The RD Research Development District permits a wide range of principal uses, including office buildings, government buildings, industrial, medical and scientific research laboratories, commercial printing facilities, mail reproduction, commercial area and photography and stenographic services, computer and data processing, medical and dental laboratories, research and engineering activities, publishing houses, public playgrounds, conservation areas, park and public purpose uses, existing residences, farms, child care centers, adult day care, pharmaceutical products

operations, assembly and treatment of previously prepared materials for production, distribution and warehousing, research and development parks, telecommunication towers, radio and television broadcasting stations, planned mixed-use research and development park and indoor recreation.

Current bulk standards within the RD Research Development District permit a maximum floor area ratio of 0.25 and maximum impervious coverage of up to 55%, which together limit the intensity of development and operate to appropriately separate new nonresidential uses from existing residential uses. Development credit adjustments for environmentally constrained areas under the Township's Land Development Ordinance will also further limit the amount of development permitted, as wetland areas only qualify for 50% credit towards calculation of floor area ratio. In light of current standards, a minimum of 43 acres of the site would remain undeveloped, offering more than enough flexibility to address site-specific buffering requirement that would limit negative impacts of development.



Existing Zoning

Circulation Patterns and Master Plan Roadways

The Township has a long history of reviewing existing and future land use development patterns as it also related to traffic circulation and zoning first identified as a priority within the 1997 Master Plan Part I Background Studies, prepared by Gershen & Coppola Associates. As the Township approaches full build out, the Township begins to narrow its focus on needed land use updates and changes to all areas of the Township, especially the still developing Route 130 corridor.

Block 2712 Lots 151 and 156 are two (2) lots centered between Route 130 and Crosswicks Hamilton Square Road. While these lots have no frontage on Route 130, they have access to the same via Stanbery Way – a Master Plan roadway that was constructed approximately ten (10) years ago – which terminate sat the western side of Lot 156. While these lots are currently farmed, there was a clear anticipation that the Master Plan roadways in this area could open up these lots (as well as others) for commercial development having access to an alternative roadway network, one that would run parallel to Route 130.

Therefore, one can easily come to the conclusion that while these lots were zoned RRC Rural Resource Conservation about fifteen years ago to help preserve the existing rural and agricultural nature of this portion of the Township, these same lots were also envisioned to possibly support commercial development with direct access to Route 130.

Land use growth patterns help to shape the landscape of the Route 130 corridor; however, at the same time, various master plan roadways opened up (and were intended to open up) access to certain landlocked parcels with access to Route 130. While the extension of Stanbery Way will no longer extend to Crosswicks Hamilton Square Road (through Lot 156) as it was removed from the Circulation Plan in 2019, the connecting master plan roadway that would run parallel to Route 130 and connect to Marketplace Boulevard will also never be built due to existing wetlands and the need to cross Back Creek. While it was envisioned that this parallel roadway would internally connect those commercial lots along Route 130, the existing businesses in place as well as some new development will not prohibit such a parallel roadway.

Along the eastern side of Route 130 – between Route 156 and Klockner Road – current and proposed development has dictated that no new master plan roads will be constructed (for various reasons) and the Township needs to now refocus on how those remaining lots will be accessed and developed. Lot 156 only has access to Route 130 and not Crosswicks Hamilton Square Road. Lot 151 has access from Crosswicks Hamilton Square Road and will have access through Lot 156 as they are currently under common ownership.

Any future development of Lots 151 and 156 will have direct access to Stanbery Way and Route 130. Access from Crosswicks Hamilton Square Road should be prohibited. Development trends now suggest and dictate that the zoning boundary line of the RRC Rural Resource Conservation District and the RD Research Development District should shift so that Lots 151 and 156 are both located within the RD Research Development District.

Existing Township Master Plan

The Township's Land Use Plan goals and objectives set forth a planning rationale in support of the proposed rezoning. The specific goals include:

Goal 1: Encourage properly scaled infill development and redevelopment throughout the Township's developed areas.

Objective 1a: Ensure that infill development is done in a manner that respects the style and scale of surrounding buildings.

Objective 1c: Encourage a broad range of nonresidential uses in traditionally single-use commercial centers, such as office parks and shopping centers, so as to increase convenience to patrons and reduce vehicle miles travelled.

Objective 1d: Direct the development of regional uses (retail, including entertainment, office and industrial) which serve a regional market and may be significant traffic generators to areas where there is convenient access to the regional highway and/or rail network.

Goal 4: Promote the development and redevelopment of attractive retail, office, industrial and mixed-use areas through the application of architectural and site design standards.

Suitability of Rezoning the Study Area

As demand for warehouse and logistics space has increased with the explosion of online retail sales, considerable pressure has been placed on the region to identify locations where facilities can be constructed to support continued growth of this now critical sector. According to the US Census Bureau Department of Commerce, national estimates released in February 2021 indicate e-commerce sales accounted for 14% of total retail sales in 2020, an increase of three percentage points over 2019 sales.

Comparison of fourth quarter figures for 2019 and 2020 reveals a 32.1% increase in e-commerce sales, and projections provided in the same report indicate growth is expected to continue its upward trend. E-commerce sales grew 39% in the first quarter of 2021 compared to the same time last year and will continue to be the driving force in industrial real estate for the foreseeable future as the ongoing global pandemic has continued to fuel demand for consumer products purchased from the comforts of home. The mass appeal of quick delivery options and a vast selection of merchandise propels the need for industrial space to house and distribute goods purchased online.

Hamilton Township ranks as the 9th most populated municipality, with a total of 92,297 residents pursuant to the 2020 Decennial Census. As a population center in the greater region, it is important for the Township to provide increased opportunity to address growing demand for supply chain facilities to service the e-commerce industry. With logistics vacancy rate currently at 2.7% for the Interstate 295/Trenton submarket and industrial vacancy at 2.8% within five miles of the study area, demand is expected to continue. While meeting this demand is beneficial in a broad sense, benefit is also derived through creation of jobs important to both the Township and the region. In 2019, the transportation, distribution and logistics (TDL) average employment totaled 414,610 workers in New Jersey; or 11.8 percent of the state's private sector workers, a higher percentage than for the nation (9.0%). TDL contributed more than \$66.9 billion to the state's Real Gross Domestic Product (GDP) in 2019, the sixth highest dollar amount per state nationwide. The Journal of Commerce has noted that one-third of the nation's GDP is produced within 250 miles of the Port of New York and New Jersey. The New Jersey State Data Center Department of Labor and Workforce Development projects the transportation and warehousing industry will grow by 24.4% for the period of 2016-2026, representing the top sector in terms of percent change over ten years. The State projects growth of 2,339 jobs in the sector, only second to health care and social assistance.

Hamilton Township is well positioned to take advantage of growth potential in the transportation and warehouse sector. With excellent access to Interstate 195 and 295 and close proximity to New Jersey Turnpike interchange 7A in neighboring Robbinsville and interchange 7 in Bordentown 5 miles to the south, existing roadway infrastructure provides the ability to quickly and efficiently move goods within the region. The 2011 Economic Development Plan of the Master Plan notes Hamilton as *"a prime location for business at the intersection of three major markets: Suburban Manhattan-New England, the Delaware Valley Region, and the Boston-Washington corridor"*. State Highway Route 130 provides direct access to the interstate road system, and location of new warehouse and logistics uses along this corridor means traffic impacts from increased trucks can likely be accommodated. The study area, located 1.5 miles south of Interstate 195 and 5 miles north of Turnpike Interchange 7 along State Highway Route 130, provide efficient and direct access to the regional roadway network. With construction of the jughandle at Stanbery Way in 2017, both north and

southbound access to Route 130 is provided to these properties without the need to access local or county roads, a factor critical to limiting potential traffic impacts to area residents.

While currently located within the RRC Rural Resource Conservation district, connection of these properties to Route 130 through Stanbery Way and adjacency to the existing RD Research Development District along the state highway means they bear a strong relationship to existing nonresidential uses and the corridor itself. As shown on the excerpt of the Township's 2013 Zoning Map above, the subject properties are located along the western periphery of the RRC Rural Resource Conservation District and are in fact the only RRC Rural Resource Conservation District properties with the ability to provide direct access to a state highway. While other properties in the district abut the RD Research Development District along Edgebrook Road, none have direct access to Route 130.

In addition to having direct access to the state highway system, there are other unique characteristics which render the study area particularly suitable for inclusion in the RD Research Development District and development with nonresidential uses. As identified on the "*Existing Conditions of the Study Area*", existing wooded wetland areas on Lot 156 provide significant separation to residential uses to the south, with a minimum of 470-feet of undisturbed mature woodlands to remain with any development of the properties. Wetlands located on the eastern side of Lot 151 prohibit the construction of buildings and parking areas in close proximity to residential uses to the east along Crosswicks Hamilton Square Road, offering additional buffering opportunities to better address visual impacts of new nonresidential development.

Based on the above analysis, it is recommended that Block 2712, Lots 151 and 156 be rezoned from the RRC Rural Resource Conservation District to the RD Research Redevelopment District. The study area is well suited to meet the clear demand for additional supply chain facilities and will help further support economic development in the Township. Its close proximity to Interstate 195 and primary access from Route 130 means traffic can be focused to the state highway, limiting impacts. Nonresidential development can be successfully integrated with surrounding uses as more than 38 acres of forested wetlands will remain undeveloped and portions of the site will be available to accommodate appropriate additional buffering.

6 REDEVELOPMENT PLANNING

Hamilton should continue to investigate redevelopment opportunities within the Township.

This recommendation continues to be relevant.

The Township has already adopted a number of rehabilitation areas and redevelopment areas as follows:

- Hamilton Train Station Redevelopment Area;
- Hamilton Town Center/Morton Tract Redevelopment Area;
- Cyberdistrict Redevelopment Area;
- Route 33 Rehabilitation Area;
- Patterson Avenue Landfill Redevelopment Area; and
- Lalor Street Redevelopment Area.

Additionally, there are several areas of the Township where there may be a potential for reuse and/or redevelopment of existing development sites which are currently vacant and/or underutilized due to a variety of factors. Such areas may benefit from the utilization of the NJ Local Redevelopment and Housing Law (“LRHL”), *N.J.S.A. 40A:12A-1 et seq.*, where enhanced zoning and fiscal tools may prove effective in implementing land use policies. One such area that may be considered for a preliminary investigation to determine if it would qualify as an “area in need of redevelopment” or an “area in need of rehabilitation” pursuant to the LRHL is:

- Goodall Rubber/Whitehead Road. All or a portion of Block 1573, located in the southwest quadrant of the intersection of U.S. Route 1 and Whitehead Road, should be reviewed for sites that may qualify for redevelopment. The tract contains the former Goodall Rubber Complex along with other industrial uses. Redevelopment may create opportunities for renewal of these and other obsolete and dilapidated sites.

Recommendation:

- Compile listing of candidate properties in the Township for sites for preliminary investigation to determine if they would qualify as an “area in need

Reexamination Requirement “e”

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

--- *NJSA 40:55D-89*

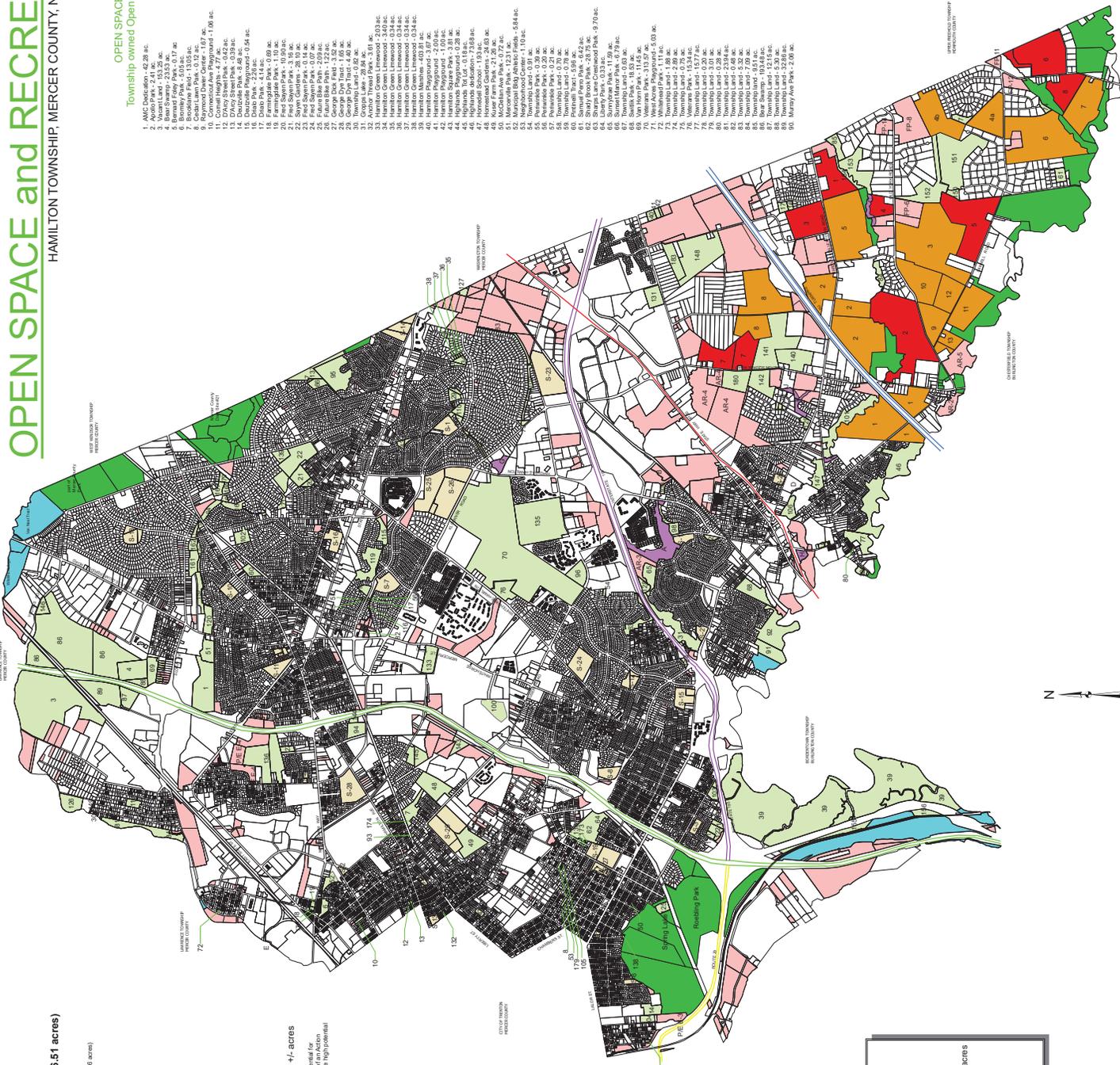
of redevelopment” pursuant to New Jersey’s Local Redevelopment and Housing Law (*N.J.S.A. 40A:12A-1 et seq.*)

- Consider a “scattered site” approach to redevelopment planning where non-contiguous properties qualify for designation as redevelopment areas within districts.

APPENDIX A
Open Space and Recreation Plan

OPEN SPACE and RECREATION PLAN

HAMILTON TOWNSHIP, MERCER COUNTY, NJ



Stream Corridor Easements and Parcels (66.51 acres)

1. Indian Hill Brook Bicycle easement (0.9 acres)
2. Redbank and bicycle easement (1.02 acres)
3. CVO Donor's Creek Stream Corridor #15 and riparian easement (1.18 acres)
4. CVO Donor's Creek Stream Corridor #17 and riparian easement (1.18 acres)
5. Corridor 2000 Stream Corridor easement (0.78 acres)
6. Donor's Creek Stream Corridor #2 (7.53 total acres)
7. Donor's Creek Tributary Stream and Bicycle easement (3.59 acres)
8. Donor's Creek Corridor #2 (6 acres)

Private Undeveloped Land

Total Acres of Undeveloped Private Land: 2,338.42 +/- acres or 0.1% (revised 03-26-2021)
 This map shows the location of the parcels that are the subject of the Open Space and Recreation Plan. The parcels are shaded in light green. Parcels which contain riparian easements are shaded in light blue. Parcels which contain bicycle easements are shaded in light purple. Parcels which contain stream corridor easements are shaded in light orange. Parcels which contain other types of easements are shaded in light yellow. Parcels which are not subject to any of the above mentioned easements are shaded in white.

County Preserved Farmland

1. Doeller - 122.12 acres
2. Kim (formerly Facy) - 145.25 ac.
3. Princeton Research Lands - 148.61 ac.
- 4a. Pyrrus (formerly Sieba) - 41.13 ac.
- 4b. Brittain (formerly Sieba) - 55.58 ac.
5. DePaulis - 121.56 ac.
6. McDaide - 62.44 ac.
7. Zygumt - 101.89
8. Verde (purchased by County) - 32.95 ac.
9. Mazza (purchased by County) - 52.14 ac.
10. Bonacorda (purchased by County) - 46.18 ac.
11. Bonacorda (purchased by County) - 46.18 ac.
12. Howland - 1.61 ac.
13. Smith - 13.33 ac.

State Preserved Farmland

1. Hunt - 49.63 ac.
2. Langren - 128.96 ac.
3. Dunch - 21.33 ac.
4. Ellis - 91.95 ac.
5. Princeton Nursery - 81.67 ac.
6. Black - 62.52 ac.
7. Princeton Nursery - 33.37 ac.

County_Owned_Parcels	1,174.60 acres
SHOS	18.66 acres
County Farmland	1,077.66 acres
Parcels 16	
Slate Farmland	517.99 acres
Hamilton_Township_Open_Space	2,659.87 acres
Stream_Corridor_Easements_and_Parcels	
Private_Undeveloped_Land	
Schools	
Slate_Owned_Parcels	264.18 acres

OPENSOURCE INVENTORY

Township owned Open Space: 2,633.37 +/- ac.

1. AWP Park - 2.41 ac.
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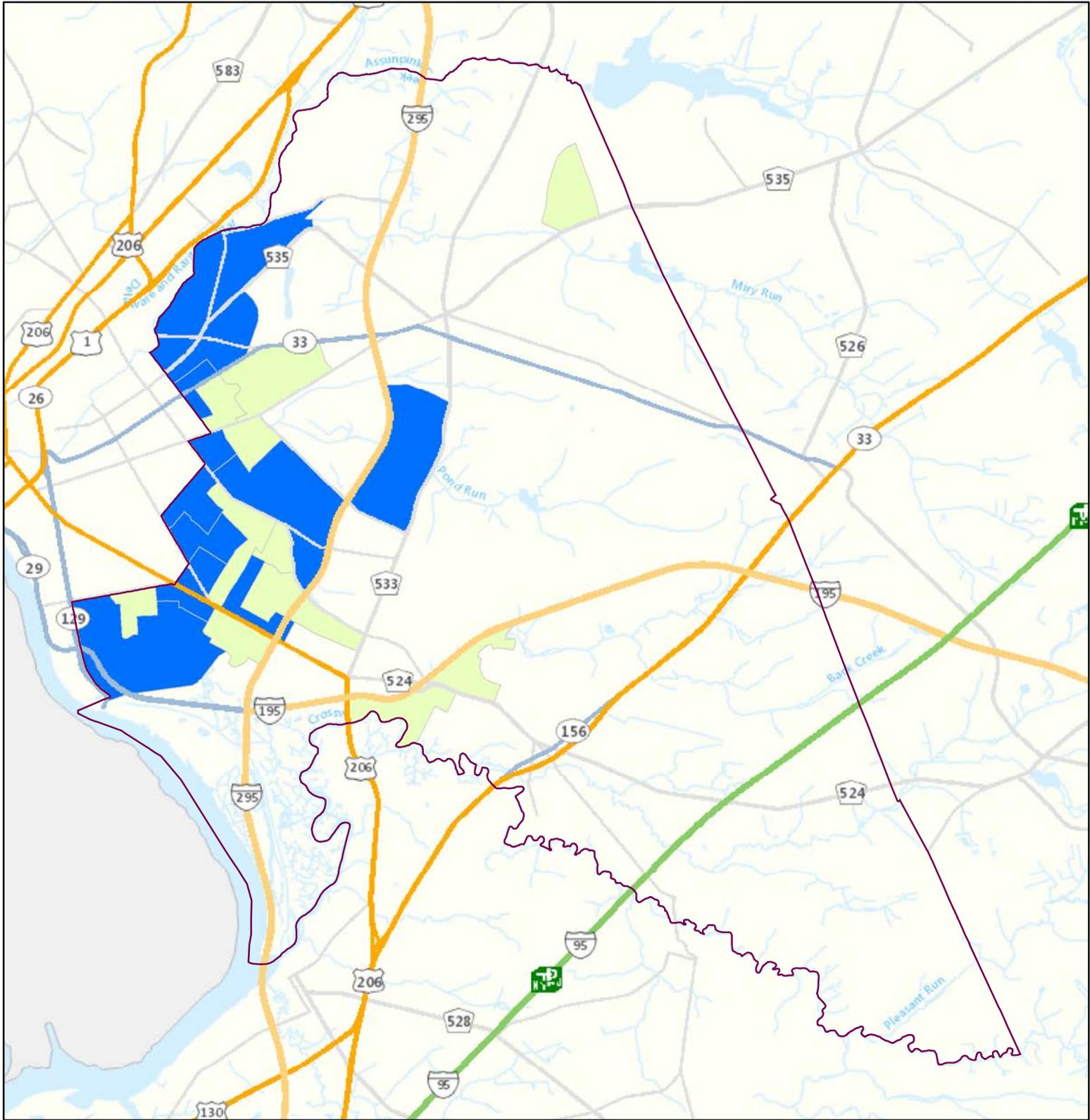
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| Elementary | MIDDLE |
| S-1 Alexander | S-23 Crockett |
| S-2 Greenwood | S-24 Grace |
| S-3 Keithard | S-25 Reynolds |
| S-4 Kuser | |
| S-5 Lator | HIGH |
| S-6 Lator | S-26 Hamilton East (Shiner) |
| S-7 Langtree | S-27 Hamilton West |
| S-8 Robinson | S-28 Hamilton North (Nottingham) |
| S-9 Robinson | S-29 McConatin |
| S-10 Morgan | |
| S-11 Our Lady of Sorrows | |
| S-12 Robinson | |
| S-13 Robinson | |
| S-14 St. Raphael | |
| S-15 St. Raphael | |
| S-16 Sayen | |
| S-17 Sayen | |
| S-18 Wilson | |
| S-19 Wilson | |
| S-20 Yardville | |
| S-21 University Heights | |
| S-22 University Heights | |

APPENDIX B

Overburdened Communities under the New Jersey Environmental Justice Law

Overburdened Communities Under the New Jersey Environmental Justice Law

Mercer County Hamilton Township



This map identifies Overburdened Communities under the New Jersey Environmental Justice Law, N.J.S.A. 13:1D-157. An overburdened community is any census block group, as determined in accordance with the most recent United States Census, in which: (1) at least 35 percent of the households qualify as low-income households; (2) at least 40 percent of the residents identify as minority or as members of a State recognized tribal community; or (3) at least 40 percent of the households have limited English proficiency. For more information please visit <https://www.nj.gov/dep/ej/communities.html>

Disclaimer: The boundary information in the TIGER/Line Shapefiles used for the maps are for statistical data collection and tabulation purposes only; their depiction and designation does not constitute a determination of jurisdictional authority or rights of ownership or entitlement and they are not legal land descriptions.

Legend

- Hamilton Township
- Overburdened Community Criteria**
- Minority
- Low Income and Minority
- Low Income
- Low Income, Minority, and Limited English
- Low Income and Limited English
- Minority and Limited English



0 0.75 1.5 Miles



Date: 1/18/2021