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# 2016 Reexamination and Master Plan Amendment

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***Adopted on March 14, 2016***

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# 2016 Reexamination and Master Plan Amendment

## Readington Township

Hunterdon County, New Jersey

*Adopted on March 14, 2016*

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### 2016 Planning Board

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NJ PP #5319

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NJ PP #5153

A signed and sealed version of this report is available at the Readington Township municipal building.





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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.

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 Committee, 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*



## INTRODUCTION

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*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.<sup>1</sup>*

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, or even prepare a new master plan. In fact, the reexamination report may serve as the master plan “*if the recommendations set forth in the Reexamination Report are themselves substantially in such form as might or could be set forth as an amendment or addendum to the Master Plan, the reexamination report, if adopted in accordance with the procedures [prescribed by the MLUL for adoption of a Master Plan], may be considered to be an amendment to the Master Plan.*”<sup>2</sup> This 2016 report contains sufficient detail for certain recommendations whereby they may be considered an amendment to the master plan and, as such, serve directly as the basis for changes to the land development ordinance.

While carrying forth recommendations from the 2014 reexamination report, this reexamination report addresses those topics that have arisen since the last Reexamination Report in 2014. Among others, these recommendations include:

- Amend the zoning district, land use plan and utility plan status of the Ryland Developers, LLC property pursuant to a settlement of litigation;

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<sup>1</sup> *N.J.S.A. 40:55D-89*

<sup>2</sup> *New Jersey Zoning & Land Use Administration* (Gann, 2015), section 8-4, p. 137..



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- Consider options to amend or replace the ROM-1 zone in Whitehouse/Whitehouse Station to enhance opportunities for limited local business expansion in order to maintain viability of such businesses and strengthen Readington’s economic base;
- Amend the zoning district of the site of the approved, mixed-use development called “Shoppes at the Farm” (Hartman) on Route 22 at Coddington Road, and provide alternative zoning for the adjacent corner property to complement the approved mixed-use development;
- Resolve various site-specific amendments to the Utility Plan Element and Upper Raritan Water Quality Management Plan;
- Maintain and update planning and programming for provision of affordable housing in the context of the Courts taking jurisdiction over compliance.

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

- **Section 2** identifies the master plan elements, studies and reexamination reports previously adopted by Readington;
- **Section 3** combines several 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 2014 Reexamination Report;
  - Extent to which problems and objective have changed;
  - Relevant changes in assumptions, policies and objectives related to relevant characteristics of the Township underlying the recommendations of the last reexamination report;
  - Recommendations for study of, or amendments to, the master plan or land development regulations.



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- **Section 4** 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**

### **2.1 1990 Master Plan**

The 1990 Master Plan, which (except for amendments) is currently in effect, was adopted by the Planning Board on January 22, 1990. Included within this document was a reexamination of the 1981 Master Plan and the following plan elements: Goals and Policies; Land Use; Housing; Conservation and Natural Resources; Agriculture; Community Facilities; Parks, Recreation and Open Space; Historic Preservation; Circulation; Utilities; Recycling; and a Statement of the Relationship to Other Planning Documents. Of these the Goals and Policies (partially amended), Land Use (partially amended), Community Facilities, Parks, Recreation and Open Space (partially amended), Historic Preservation, Utilities, and Recycling elements are still, at least partially, in effect.

### **2.2 1995 Housing Element**

In accordance with the COAH rules, which require housing elements to be certified every six years, Readington adopted a new Housing Element on June 19, 1995. A subsequent amendment to the Housing Element on June 24, 1996 was approved by COAH. On August 9, 1999, the Planning Board again amended the Housing Plan to effectuate some minor modifications. The Township Committee endorsed the Fair Share Plan that reflected those modifications on December 4, 2000, sending both documents to COAH for certification. As of January 22, 2001, the 1995 Housing Element and Fair Share Plan were still under review by COAH. In the summer of 2001, COAH notified Readington that the accessory apartment provisions should be removed from the plan and replaced with another form of housing that would have a higher likelihood of implementation. The housing element and fair share plan were subsequently amended to substitute units to be developed under a regional contribution agreement for those units formerly provided for under the accessory apartment provisions. As the Township's Second Round Certification was valid for six years from 1997 and COAH had yet to adopt its Third Round (1987-2014) regulations, the Township received an extension of its Second Round substantive certification on May 11, 2005 (COAH initially granted an extension to Readington Township's



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substantive certification on February 4, 2003 pursuant to rules that were previously adopted by COAH).

### 2.3 1995 Reexamination of the Master Plan

This Reexamination Report was prepared pursuant to the Municipal Land Use Law and was adopted by the Planning Board on December 11, 1995. The key recommendations of that document were to develop a coordinated approach to land preservation and a development approach that integrated open space preservation in the approvals process. It also recommended a greenways network and a new emphasis on expanding the range of senior housing alternatives.

### 2.4 1998 Amendments to the Master Plan

This document contained a series of amendments that updated or replaced some, but not all, elements of the 1990 Master Plan. The Goals and Policies element was updated to strengthen the policies related to farmland preservation and natural resources conservation. The Land Use plan element was updated, creating a new land use classification known as AR Agricultural Residential. A new element – Conservation, Natural Resources and Agriculture - was created, replacing the formerly separate Conservation and Natural Resources / Agriculture elements. The Parks, Recreation and Open Space element was also updated. A description of the relationship between Readington's zoning and the zoning of adjacent municipalities, Hunterdon County land use policies and State planning policies was included. The Planning Board adopted this amendment package on November 23, 1998. This served as the basis for the creation of the AR Agricultural Residential Zone, which lowered the effective residential density in the majority of the Township to one dwelling unit for every 5 acres, in the case of a cluster development, or 6 acres, in the case of a conventional residential subdivision. The recommendations contained within the 1998 Master Plan amendments were implemented through the adoption of the AR zone, which was adopted by the Township Committee on December 22, 1998.



**2.5 2000 Supplement to the Master Plan: Photographic Tour of the AR Zone**

Readington has a highly desirable character that is often described as rural, natural or agricultural. While this character has been acknowledged in the Township’s planning documents, no visual record of those elements had been produced. This document was created in order to provide such documentation of the rural and agricultural elements that embody the sense of place that is experienced throughout the Township. This inventory contains a series of photographs, with descriptions, that are linked to street maps depicting a “tour route”. The location and direction of each of the photographs is indicated, so that one may be oriented with relative ease while viewing the document. It is anticipated that this visual inventory will be used to plan for the preservation of the various elements shown in the photographs and will be the basis for future land use and site development decisions. The Planning Board adopted this document on July 24, 2000.

**2.6 2000 Amendment to the Master Plan: Senior Citizen Housing**

This amendment was developed pursuant to recommendations contained within the 1995 Reexamination of the Master Plan, which called for the provision of additional senior citizen housing in appropriate locations within the Township. It examined potential sites with respect to several criteria, including proximity to the existing villages of Three Bridges and Whitehouse Station, proximity to sewer service areas, arterial roadway access and lot size. Recommendations were included for the location and type of senior citizen housing. The Planning Board adopted this amendment on September 11, 2000. This amendment served as the basis for the creation of new senior citizen zones that were adopted by the Township Committee on October 16, 2000.

**2.7 2001 Amendment to the Master Plan: Parks, Recreation & Open Space; Circulation**

This package of amendments was a direct result of a series of studies and reports that were produced in the spring of 2001. Coordinated by the Environmental Commission, these reports addressed critical wildlife habitat, local flora and fauna, water quality and open space and farmland preservation. Most prominently, a comprehensive Environmental Resource



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Inventory (ERI) was adopted which included many findings and recommendations regarding natural features within Readington. The amendments to the master plan brought renewed focus on open space preservation from the standpoint of habitat protection. It also documented a series of open space preservation priority areas and mapped those properties that should be targeted for preservation in the future. The series of reports, including the ERI, were adopted as appendices to the master plan.

Regarding circulation, this update responded to recent data indicating that small, privately owned airports were under increasing pressure to convert to non-airport uses. The circulation element recommended that the Township seek to preserve Solberg-Hunterdon airport, through municipal acquisition if deemed necessary.

### **2.8 2002 Amendment to the Master Plan: Goals and Policies; Land Use Plan; Conservation, Natural Resources and Agriculture Plan**

In May of 2002, the list of Goals and Policies in the master plan was updated to add a policy regarding the protection of viewsheds. Specifically, under the category of environmental protection, the following policy was added: “protect and preserve the scenic viewsheds and scenic edges of public thoroughfares through the classification, location and configuration of land uses”

The Land Use Plan Element was updated to recommend the rezoning of three blocks along Route 202 in the southeastern portion of the Township. Blocks 80 and 94 were included in the Agricultural Residential (AR) land use classification in order to better align the land use plan with existing agricultural land uses. The impetus for this change also had its basis in the 2001 Master Plan Reexamination and 2001 State Plan.

The land use plan was also amended to include block 82 within the SC-3 Senior Citizen housing land use category to make the development of senior housing more viable in this location.



**2.9 2005 Housing Element and Fair Share Plan (COAH's Third Round Version 1)**

COAH's Third Round introduced the concept of "growth share" that linked the production of affordable housing with residential and non-residential development that occurs in a municipality. This marked a significant departure from COAH's prior two rounds of affordable housing which had previously assigned an affordable housing obligation as an absolute number to each municipality in the two rounds.

In November of 2005 the Township adopted its Third Round Housing Element and Fair Share Plan. Readington Township's adopted 2005 plan addressed a third round affordable housing obligation of 546 units, which consisted of 394 units from the prior round obligation and a 152-unit growth share component. Readington petitioned the Council on Affordable Housing for substantive certification of its plan on December 20, 2005. Additionally, the Township has adopted a Growth Share Ordinance that requires future non-residential development to address the affordable housing generated by the amount of non-residential building square footage approved and constructed. COAH did not conduct a substantive review of the 2005 Plan and did not certify the Plan prior to the issuance of the Appellate Court decision in January 2007<sup>3</sup>. However, due to COAH's revised substantive and procedural rules (effective June 2, 2008 and October 20, 2008), the Township has prepared an amended Third Round Housing Element and Fair Share Plan for submittal to COAH by December 31, 2008.

**2.10 2007 Whitehouse Corridor Master Plan**

In September of 2007 a draft of the Whitehouse Corridor Master Plan was completed. The objective of this plan is to create a vision for the Route 22 corridor and the Villages of Whitehouse and Whitehouse Station.

The plan seeks to address the undesirable aspects of the areas along Route 22 that do not reflect the historic character of the nearby villages or the rural areas of the Township. The plan proposes a variety of measures in order to

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<sup>3</sup> On January 25, 2007, the Appellate Division published a decision in the Matter of the Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing which invalidated the Council on Affordable Housing ("COAH") growth share provisions.



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curtail further isolated highway-oriented commercial development along Route 22.

The plan also provides design guidelines/standards for items such as site design, architecture, landscape design, and signage. These guidelines are also intended to curtail development inside and outside the villages that is incompatible with the historic character of the villages or larger rural character of the Township. Additionally, the plan provides recommendations for improved off-street parking in Whitehouse Station, additional vehicular, pedestrian and bicycle connections, and the provision of public facilities in Whitehouse Station.

Some elements (design standards) have been codified, while other elements (land use, wastewater) have not been incorporated within the master plan or LDO.

### 2.11 2008 Housing Element and Fair Share Plan (COAH's Third Round Version 2)

Based on the outcome of the January 2007 New Jersey Appellate Court decision, COAH adopted amendments to its rules to address the deficiencies identified by the Court. COAH's revised rules, effective on June 2, 2008, as well as a further rule revision, adopted September 22, 2008 and effective on October 20, 2008, provided residential development and job projections for the third round (which was expanded to encompass the years 2004 through 2018). Additionally, COAH revised its growth share ratios to require one affordable housing unit for every four market rate housing units developed and one affordable housing unit for every 16 jobs created, still expressed as non-residential building square footage. The Township was required to revise its Third round plan to comply with these new rules.

Accordingly, on November 24, 2008 the Township adopted its revised Third Round Housing Element and Fair Share Plan. Readington Township's adopted 2008 plan addressed a third round affordable housing obligation of 586 units, which consisted of 394 units from the prior round obligation and a 192-unit growth share component. The third round obligation will be satisfied with 16 surplus prior round family sales units (Lake Cushetunk Woods), 33 bedrooms in special needs housing, a 10 unit rental market to affordable program, 48 age-restricted rentals in an expansion of the Mirota



residential complex, 10 extensions of units with expiring controls, 36 units in two (2) municipally-sponsored construction sites, 12 family rental units as part of a mixed use development known as Cushetunk Manor.

**2.12 2009 Reexamination of the Master Plan**

The 2009 Reexamination report, primarily, reflected the occurrence of two significant issues that arose during 2008. On July 7, 2008, the New Jersey Department of Environmental Protection (NJDEP) adopted the Water Quality Management Planning Rules. These rules provide that sewer service areas be reexamined to exclude critical habitat, including ranks 3, 4 and 5, pursuant to the NJ Landscapes data. More significantly, development reliant on subsurface septic disposal systems is limited to lots that are large enough to dilute septic effluent so that nitrates entering groundwater do not exceed a concentration of two (2) mg/l.

Also in 2008, the NJDEP released newly updated versions of the Landscape Project data, based on updated land use and land cover information, to identify critical habitat information. This includes the NJ Highlands and immediately adjacent areas, and represents a new methodology for delineating habitat.

**2.13 2009 Amendment to the Master Plan**

This amendment to the Master Plan of Readington Township consists of a Statement of Objectives, Principles, Assumptions, Policies, and Standards, Land Use Plan, Conservation Plan, and Utility Service Plan. The Statement of Objectives, Principles, Assumptions, Policies, and Standards established reasonable objectives to balance between farming, open space preservation and appropriate residential and commercial development with regard to the community's highways, facilities and services, natural features, existing development characteristics, and available land.

The Land Use Plan proposed changes such as, but not limited to, two new zone districts – the Special Resources Residential (SRR) district and the Hamlet Residential (HR) district, amended the manner which houses of worship are regulated and provided a build-out analysis.



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The Conservation Plan examined the natural features, the natural and man-made systems, and existing and proposed land uses within Readington to assist efforts to strike an appropriate balance between future development, the preservation of environmental resources and the capacity of the underlying natural and man-made systems. Critical habitat reflective of the updated Landscape Project data, topography, geology, soils, steep slopes, flood plains, wetlands, and groundwater quality were also considered. State and County policies and goals in support of planning for the protection of these natural resources were also assessed.

The Utility Service Plan detailed the existing state of sewer and water service within the Township and recommended changes to the sewer service areas consistent with the Township's revised Land Use Plan Element and Wastewater Management Plan.

### 2.14 2014 Reexamination of the Master Plan and Subsequent Ordinance Amendments

While carrying forward the bulk of the recommendations contained within the 2009 Master Plan Reexamination Report, the 2014 Reexamination report identified new factors contributing towards refinement and modification of land use policies, which included:

- The extent and progress of the reactivation and redevelopment of the historic Ryland Inn;
- The appropriateness of age-restricted residential use alternatives for the Village Hospitality zone;
- The impending vacancy of Merck's world headquarters building;
- The inclusion of the Whitehouse –Mechanicsville Historic District on the New Jersey and National Register of Historic Places.

The following ordinance amendments were adopted:

- **Ordinance #26-2014** (adopted December 15, 2014) modified the VH Village Hospitality Zone to recognize that the remainder of the zone would not be developed in conjunction with the Ryland Inn



redevelopment. This amendment removed the bonus provisions for floor area ratio that were linked to the reuse of the Ryland Inn buildings, raised the maximum permitted floor area ratio from five percent (5%) to eight percent (8%), and increased the maximum permitted impervious coverage from 20% to 35%.

- **Ordinance #27-2014** (adopted December 22, 2014) added “assisted living residences” to the SC-4 Senior Citizen -4 Overlay Zone; extended the SC-4 Overlay Zone to the VH Village Hospitality Zone; corrected the zoning map to accurately depict all locations of the SC-4 Overlay Zone; reflect a zone boundary change that had previously been adopted on March 17, 2014 that clarified the relationship between the VR Village Residential and VC Village Commercial district in a portion of Whitehouse Station;
- **Ordinance #05-2015** (adopted June 1, 2015) amended the boundaries of the AR and B Zone on the Walmart property (Block 14, Lot 49), adding 4.3+/- acres to the B Zone, to be consistent with a previous expansion of the Future Sewer Service Area (FSSA) and to foster a more viable use of the currently existing commercial use.
- **Ordinance #07-2015** (adopted September 8, 2015) was drafted to provide for additional non-residential options for development within the RO zone, recognizing that Merck’s headquarters building was being vacated. This amendment to the RO Research Office added “medical offices” and “hotels” as permitted uses, provided for additional accessory uses (conference centers, restaurants, bars and health/recreation) to hotels, and provided for multiple permitted uses to be developed together on lots over 10 acres



### 3. Planning Policy Issues and Recommendations (40:55D-89.a, b, c, and d)

This section combines several 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 2014 Reexamination Report (recommendations from the 2014 Reexamination report are shown in *bold italics* below each subject heading);
- Extent to which problems and objective have changed;
- Relevant changes in assumptions, policies and objectives related to relevant characteristics of the Township underlying the recommendations of the last reexamination report;
- Recommendations for study of, or amendments to, the master plan or land development regulations.

#### 3.1 Whitehouse Corridor

*Once the Whitehouse Corridor Plan is adopted, the Township should begin to implement the plan's recommendations including updates to the master plan and corresponding zoning changes.*

The recommendations from the draft study of the Whitehouse Corridor have not yet been fully incorporated within the master plan and land development ordinance and the matter remains valid. Recent development applications indicate an on-going interest in expanding retail uses along this corridor, and also suggest the need to review and address sites along the Route 22 corridor which do not meet current development standards and do not integrate well with surrounding development for possible redevelopment.

**Recommendation:** Recommendations for changes within the Whitehouse Corridor, as contained within the 2007 draft White House Corridor Plan, should be reviewed in light of current issues and considered for



implementation. The Township should also review and identify sites along the Route 22 corridor which may be appropriate as possible redevelopment study sites.

### 3.2 Wastewater

*The wastewater management plan is significantly outdated. The plan should be updated to account for recent zoning changes including any changes that emerge from the recommendations of the Whitehouse Corridor Plan.*

This Township's Utility Services Plan Element was last updated in 2009, in conjunction with the 2009 Land Use Plan/Zoning Ordinance, which was largely based on the Whitehouse Corridor Plan. In 2013, Hunterdon County received approval of its Future Sewer Service Area (FSSA), which includes some modifications to the sewer service area for the Township as depicted in the 2009 Utilities Services Plan.

#### *Changes to Areas Served*

The Township's 2009 Utility Service Plan Element does not address several recent amendments to the Upper Raritan WQMP/Readington Lebanon Sewage Authority Readington-Whitehouse sewer service area (public sanitary sewer) that impact Readington Township. These include:

- The 2011 addition of block 42, lot 3.03 to the sewer service area (to replace a failed septic system on a single-family residential lot);
- Expansion of the SSA to accommodate Walmart on Route 22;
- Expansion of the SSA to include a portion of block 14, lot 29.02 (Ryland Developers, LLC). Ryland Developers, LLC submitted an application for a site-specific amendment to the WQMP in order to facilitate the development of their property, pursuant to a settlement of litigation (Docket #HNT-L-496-09) with Readington for the development of 39 single-family detached homes. The application included a portion of Block 14 Lot 29.02 and was endorsed by Readington Township. It was approved by the NJ Department of Environmental Protection on December 21, 2015.



## PLANNING POLICY ISSUES AND RECOMMENDATIONS

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- A new groundwater sewer service area (SSA) for proposed Profeta Farms (Block 75 Lot 19) to accommodate a 12,000 sf retail farm stand, creamery, meat processing facility and 80-seat restaurant. The farm stand was approved by the Readington Township Planning Board, but the restaurant has not been approved. It would require a use variance. The total projected flow permitted by the NJDEP, pursuant to an April 1, 2015 revision to the WQMP, is 4,550 gpd. The restaurant represents a projected flow of 2,800 gpd (35 gpd/seat).

### *Proposed Changes to Water Quality Management Rules*

On October 19, 2015, substantial changes to the State's Water Quality Management Rules were proposed by the NJDEP. The proposed rules include new procedures and standards for (1) amendments to areawide water quality management (WQM) plans, (2) the development of wastewater management plans (WMPs), (3) the development of the list of water quality limited waters; and (4) adoption of total maximum daily load (TMDL) criteria. More generally, the rule changes are intended to streamline the wastewater planning process and to better integrate it with existing permitting programs. At this time, the impact of the proposed rule changes and timeframe for their adoption and implementation is not yet clear.

### *Wastewater Litigation*

Readington Township (among others) was named in a litigation challenging the Township's process for the allocation of public sanitary sewer capacity (388 Route 22 Readington Realty Holdings, LLC v. Readington, et al; Docket #HNT-L-000751-10). This case began in Superior Court and made its way to the New Jersey Supreme Court (Docket #A-62-13). On May 5, 2015 the New Jersey Supreme Court issued an opinion and ordered that Readington ***“undertake a critical review of all unused sewer capacity in the Township and determine “whether any capacity can be recaptured to satisfy Plaintiffs’ development needs”***. The Supreme Court remanded the matter back to Superior Court for the purposes of determining compliance with their order and, on June 4, 2015, the Court issued an order setting forth criteria for such an examination. Readington proceeded with the analysis during the remainder of 2015, including review of questionnaires from major holders of unused sewer capacity, public discussion and the issuance of a determination as to which capacity should be recaptured. On February 10,



2016, the Court requested that Readington Township re-visit certain determinations. This matter remains unsettled, but holds implications in terms of the extent of future development within the Township, including the development of housing for low-and moderate- income households.

**Recommendation:** The Utility Service Plan Element should be updated:

- to be consistent with the approved Hunterdon County Future Sewer Service Area and to reflect recent amendments to the Upper Raritan WQMP itemized herein.
- to address any relevant changes to the State's Water Quality Management Rules, once these are adopted.
- to address the outcome of the wastewater litigation, 388 Route 22 Readington Realty Holdings, LLC v. Readington, as appropriate;
- to ensure that adequate public sanitary sewer is available to support the provision of low- and moderate- income housing.

### 3.3 Affordable Housing

*Readington should continue implementation and monitoring of the Third Round Plan while also monitoring COAH and the Supreme Court for progress toward adoption of third round rules or any other judicial or legislative remedy that may occur. The Township will also monitor the State's regulation of affordable housing trust funds.*

This recommendation continues to be relevant. The process and rules regarding municipal affordable housing obligations have been in turmoil over the past decade due to ongoing litigation. The status of the Township's Third Round Plan, and key events and changes to affordable housing rules and legislation are summarized below:

#### *2008 Third Round Plan*

On December 11, 2008, Readington Township adopted a revised Third Round Plan that addressed the Township's affordable housing obligation under the Council on Affordable Housing (COAH)'s 2008 third round



## PLANNING POLICY ISSUES AND RECOMMENDATIONS

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rules. The Township received third round substantive certification for this plan in 2009.

#### *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 were 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.



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The Supreme Court further held that, for a municipality to be protected from exclusionary zoning lawsuits, it had to file a declaratory judgement 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 Judgement of Repose, the court-equivalent of COAH's substantive certification.

The Township filed its declaratory judgement action on July 2, 2015. Pursuant to a Superior Court Order issued on February 5, 2016, the Township was granted an extension of temporary immunity from exclusionary lawsuits until July 31, 2016, to allow time for the Court to make a determination regarding the Township's fair share affordable housing obligation, and for the Township to obtain and submit an affordable housing obligation fair share number expert report. The Township is continuing to develop options for providing affordable housing while the court's determination regarding its affordable housing obligation is pending.

***Trust Funds***

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 17, 2012 the Appellate Division issued an Order that outlined a process for municipalities to resolve disputes with COAH over their trust funds. In light of the March 10, 2015 Supreme Court decision to transfer responsibility to review and approve housing elements and fair share plans (housing plans) from COAH to designated Mount Laurel trial judge, on April 9, 2015 the Appellate Division issued a decision that transferred responsibility of review and approval of spending plans from COAH to designated Mount Laurel trial judges and it also enjoined COAH or any other part of the executive branch from engaging in any further attempt to seize affordable housing trust funds.

**Recommendation:**

- Readington should develop and modify its Third Round Plan, as needed, to comply with the Court's determination of its affordable housing obligation.



## PLANNING POLICY ISSUES AND RECOMMENDATIONS

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- The Township should monitor the State’s regulation of affordable housing trust funds.
- With its NJ Transit station and existing public utility infrastructure, Whitehouse Station, and adjacent neighborhoods, should remain the highest priority for the development of affordable housing. Three Bridges, should also remain a high priority for affordable housing. The Township should continue to identify appropriately-scaled redevelopment opportunities that can incorporate affordable housing within the Villages of Whitehouse and Three Bridges and lands directly abutting these villages.
- Where inclusionary zoning for affordable housing is not appropriate, such as small-scale village sites, an overlay zone to encourage affordable housing through small-scale redevelopment should be considered. Such an ordinance should be designed to provide for appropriate redevelopment, in terms of scale and character.
- The Township should continue to reserve wastewater capacity for affordable housing projects.
- Land use regulations and zoning designations should be amended to reflect affordable housing sites to facilitate implementation of the Third Round Housing Plan Element/Fair Share Plan.

### 3.4 Senior Citizen Housing

*The previous changes to SC zones have been successful in creating opportunities for age restricted housing. However, other forms of senior living for individuals who require varying levels of care and/or who are low income, have not materialized. The Township should examine the existing senior citizen zoning districts to determine if any changes are needed to allow for group homes for the elderly and to further encourage the development of assisted living facilities.*

The Township continues to value the creation of senior citizen housing where infrastructure capacity exists to support it. The SC-4 Overlay zone was expanded in December 2014 to include assisted living residences as a permitted use, and to extend this overlay zoning to the VH District.



However, the potential need to provide additional senior housing opportunities such as group homes for the elderly, that are consistent with wastewater capacity and other land use objectives, remains a valid issue.

**Recommendation:** The Township should examine the existing senior citizen zoning districts to determine if any changes are needed to allow group homes for the elderly and/or other senior housing opportunities consistent with wastewater capacity and other land use objectives,

### 3.5 Impervious Cover

*The Township should examine the existing limits on impervious coverage to determine if any changes are necessary to better protect water quality and promote recharge.*

The limits on impervious coverage have not been changed since 2001.

**Recommendation:** This recommendation has yet to be addressed and remains valid.

### 3.6 Tree Protection/Woodlands/Flora

*The Township should investigate developing a tree replacement, tree protection or reforestation ordinance. The Township should also investigate measures to ensure the protection of certain threatened species of flora.*

**Recommendation:** This recommendation has yet to be addressed and remains valid.

### 3.7 Scenic Resources/Scenic Roadways

*Scenic resources, or viewsheds, within the Township should be identified and an ordinance drafted to ensure the preservation of this resource. The Township should also investigate the feasibility of establishing a local scenic roadway program for Township-owned roads similar to the scenic byway program administered by the NJ Department of Transportation. Readington's endorsement of the Route 78 Scenic Byway application may result in a Federal designation of Route 78 in*



## PLANNING POLICY ISSUES AND RECOMMENDATIONS

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*Readington as a Scenic Byway. Regulations should be considered to support that designation. Funding may be available for local regulation development from the Federal Highway Administration if the designation is successful.*

This issue was partially addressed in 2002 with the implementation of increased buffers in the B zone along Routes 22 and 202.

**Recommendation:** The identification and protection of a scenic viewsheds throughout the Township, including the establishment of a local scenic roadway program for Township-owned roads, has yet to be addressed and remain valid.

### 3.8 Open Space and Farmland Preservation

*Preservation efforts should continue, given the ongoing support of the State and Hunterdon County. The Parks, Recreation and Open Space Plan along with the soon to be adopted Farmland Preservation Plan should be updated to reflect any changes in preservation priorities and opportunities as they arise, but no immediate changes are necessary to the master plan.*

This issue has been partially addressed. The Township updated its Farmland Preservation Program and master plan element December 2008 in accordance with the newly adopted SADC rules. This was a new comprehensive Farmland Preservation Plan. New priorities within the Recreation and Open Space Plan have not been addressed since the last Reexamination report.

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. While it has not yet been decided how these funds will be allocated, the referendum will lead to a continuous funding stream for open space preservation and stewardship.

**Recommendation:** Preservation efforts should continue, given the ongoing support of the State and Hunterdon County. The Parks, Recreation and Open Space Plan should be updated to reflect any changes in preservation priorities and opportunities as they arise, but no immediate changes are necessary to the master plan.



3.9 Community Farm Stand

*The Township has expressed an interest in creating a public, community farm stand on Township owned property. This facility could be utilized by Township farmers to sell and display their produce in, ideally, a visible location along a major highway like Route 202 or Route 22. The Township should review current and potential sites and further investigate the feasibility of developing such a facility.*

This issue has yet to be addressed and remains valid.

**Recommendation:** The Township has expressed an interest in creating a public, community farm stand on Township owned property. This facility could be utilized by Township farmers to sell and display their produce in, ideally, a visible location along a major highway like Route 202 or Route 22. The Township should review current and potential sites and further investigate the feasibility of developing such a facility.

3.10 Historic Preservation Plan Element/Whitehouse-Mechanicsville Historic District

*The Township should review its Historic Preservation Element to determine if an update is necessary, and consider adoption of historic district standards that will retain and enhance the historic character of the Whitehouse-Mechanicsville Historic District*

On March 17, 2015, the Whitehouse-Mechanicsville Historic District was listed on the National Register of Historic Places, following the December 2014 approval of its inclusion on the State Register by the New Jersey State Review Board for Historic Sites and the Township's 2009 nomination of the district.

The Township's Historic Preservation Commission (HPC) is currently reviewing the Township's design standards pertaining to historic areas to identify ways in which they may be improved. To further enhance preservation of historic districts and other historic resources within the Township, there may be a need to create a stronger form of the HPC.



## PLANNING POLICY ISSUES AND RECOMMENDATIONS

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#### **Recommendation:**

- The Historic Preservation Element should be updated to indicate the status of the Whitehouse-Mechanicsville Historic District.
- Accurate boundaries of all unlisted historic districts should be mapped.
- Three Bridges should be evaluated to determine the extent to which contributing sites and structures currently exist.
- Ordinance changes to improve the Township's design standards pertaining to historic sites and districts, including the Whitehouse-Mechanicsville Historic District, should be developed.
- Evaluate the benefits of adopting a stronger form of the Historic Preservation Commission to provide for a higher degree of preservation within historic districts.

### 3.II Circulation Plan Element

*This element should be updated to reflect some of the recent County road modifications and to identify roads that contribute to the rural character of the Township. Pedestrian and bicycle circulation should also be addressed. Interrelationships between various transportation modes and public transportation should be evaluated.*

These issues have yet to be addressed and remain valid. In addition, there is a need for greater pedestrian/vehicle connectivity between Whitehouse Station and surrounding areas.

**Recommendation:** The Circulation Plan Element should be updated to reflect some of the recent County road modifications and to identify roads that contribute to the rural character of the Township. Pedestrian and bicycle circulation should also be addressed. Interrelationships between various transportation modes and public transportation should be evaluated. The Township should examine ways to provide greater road connectivity between Whitehouse Station and surrounding areas, such as through a possible extension of Mullen Road.



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3.12 Community Facilities Plan Element

*This element should be updated.*

**Recommendation:** This has yet to be addressed and remains valid.

3.13 Residential Site Improvement Standards

*The Land Development Ordinance should be revised to incorporate RSIS standards, by reference, and to remove any standards that are in conflict.*

**Recommendation:** This has yet to be addressed and remains valid.

3.14 Hunterdon County Agriculture Development Area (ADA)

*The boundaries of the ADA should be examined to determine whether changes should be recommended to the CADB.*

**Recommendation:** This item has yet to be addressed by remains valid.

3.15 Sustainability Audit

*The Township should undertake a sustainability audit to determine if any changes are needed to land use ordinances to improve the sustainability of development within the Township (e.g. reducing water and energy consumption). Similarly, a review of the master plan should be undertaken to recommend changes that protect natural resources, encourage environmentally friendly land use, and promote efficient patterns of development.*

**Recommendation:** This has yet to be addressed and remains valid.



## PLANNING POLICY ISSUES AND RECOMMENDATIONS

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### 3.16 Recycling Plan Element

*The Recycling Plan element should be updated to account for current laws and regulations. The Township should also investigate what would be necessary to allow for the recycling of building materials.*

**Recommendation:** This issue has yet to be addressed and remains valid.

### 3.17 Environmental Resource Inventory (ERI)

*The ERI should be updated to include the most recent Landscapes Project Habitat Data.*

**Recommendation:** This issue has yet to be addressed and remains valid.

### 3.18 Signs

*Readington should review and amend the sign ordinance to ensure a regulatory framework that protects the public rights-of-way from unwanted visual intrusion from signs.*

**Recommendation:** This issue has yet to be addressed and remains valid.

### 3.19 Lighting

*Readington should investigate changes to the lighting ordinance to be consistent with the Energy Independence and Security Act of 2007. The lighting standards should be reviewed with respect to IESNA standards and revisions made accordingly.*

**Recommendation:** This issue has yet to be addressed and remains valid.



3.20 Low-Impact Development Practices

*The Township's ordinances should be reviewed to ensure the use of low impact development practices.*

**Recommendation:** This issue has yet to be addressed and remains valid.

3.21 Hydrogeologic Study

*The Township should consider undertaking a hydrogeologic study that would investigate aquifer health and its capacity to support additional development.*

**Recommendation:** This issue was last addressed in 2009 and remains valid.

3.22 VH District/SC4 District Amendment and Expansion

*In order to provide more senior housing options in the Township, the SC-4 Overlay district should be revised to include assisted living residences as a permitted use and the area which it applies to should be expanded to include the Village Hospitality (VH) district, where such uses would be compatible with the historic villages and their character.*

*2014 Amendments to VH/SC4 District*

Readington Township created the Village Hospitality (VH) district in 2009. This district, which includes the Ryland Inn and surrounding lots, provided incentives for the holistic redevelopment of the entire Village Hospitality (VH) district. However, subsequent to the creation of the district, the owner of the Ryland Inn began to redevelop the property without incorporating the remaining properties in the district. Furthermore, the owner of the property to the rear of the Ryland Inn, Ryland Developers LLC, applied to the Board of Adjustment for use variance approval to permit age-restricted housing and assisted living residences in the remainder of the VH District and a portion of the abutting AR District. These two unrelated development proposals resulted in an amendment to the VH District regulations and its boundary.



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In December 2014, the Township adopted Ordinance #26-2014, which modified the VH zoning district to recognize that the remainder of the zone would not be developed in conjunction with the Ryland Inn redevelopment. Also in December 2014, the Township adopted Ordinance #27-2014, which permitted “assisted living residences” within the SC-4 Overlay Zone and extended this overlay zone to the VH Zone. However, Ryland Developers, LLC suspended their application for age-restricted/assisted living, pending the upcoming trial in their litigation against the Township asserting that the original VH ordinance was arbitrary, capricious and, therefore, invalid.

#### *2015 Settlement Agreement*

On the eve of a trial in the matter, Ryland Developers, LLC and Readington Township agreed to general terms of settlement of the litigation. As part of a November 16, 2015 settlement agreement, the Township agreed to rezone the Ryland LLC property (Block 14, Lots 29.02 and 29.03) Planned Neighborhood Development (PND-2) Zone. The PND-2 Zone provides for the development of no more than 39 single-family homes. A concept plan attached as Exhibit A to the settlement agreement (*See Appendix A*), depicts the manner in which the homes are to be developed, such that the plan provides buffering from the adjacent Ryland Inn, maintains a connection to the historic village of East White House, preserves large deciduous tree stands, preserves a significant portion of the tract for open space or agricultural use, and is consistent (in terms of use) with the adjacent single-family properties.

In order to effectuate the terms of the settlement agreement, the Township also agreed to adopt a master plan reexamination report, master plan amendments, a zoning map and an ordinance specifying the development regulations for the PND-2 district (attached to the settlement agreement as Exhibit B – *see Appendix B*) that would implement the concept plan as of right, without variances.

#### **Recommendation:**

- Prepare master plan reexamination, and plan elements necessary (Land Use Plan and Utility Plan) reflecting new PND-2 district.



- Adopt revised zoning map and regulations changing zoning on block 14, lots 29.02 and 29.03 to Planned Neighborhood Development (PND-2) Zone. (See Appendices 3 and 5.)

### 3.23 Vacancy of Merck World Headquarters Facility/RO District

*Given the scale and potential dramatic impacts, it is of paramount importance that the process for visioning the reoccupation, repurposing or redevelopment of this facility should be rooted in community stakeholder and residents. The Township should carefully consider potential reuse or redevelopment opportunities as well as impacts on community character, traffic and natural resources in any planning or zoning changes adopted to address this facility's vacancy.*

In late 2015, Merck completed the previously-announced vacation of its Whitehouse Station headquarters facility. The site is located at One Merck Drive, northwest of Whitehouse and Whitehouse Station. The 506-acre corporate campus includes 1,780,597 gross floor area (including structured parking) in, primarily, one building that is three stories plus two lower levels. The site offers 2,013 parking spaces, of which 1,690 are structured spaces in the lower building levels and 341 are surface parking spaces. In addition to office space, the building includes a fitness center (11,000 s.f.), conference center with auditorium (250 seats), data center (31,000 s.f.), day care center (25,000 s.f.), 7-acre solar farm, heliport, outdoor recreation facilities and a central utility plant (68,000 s.f.).

The Merck property comprises the majority of the Township's Research Office (RO) District, which has remained, for decades, as the principal district for high-quality commercial uses that provide jobs within and economic benefits to Readington. In the face of Merck's departure, the Township has considered whether to explore radical alternative reuse/redevelopment approaches for the site, including residential uses. At this time there is no interest in changing the longstanding land use and economic development policies for the RO district/Merck property. In fact, recent discussions with Chubb regarding expansion of their facility on Halls Mill Road (opposite Merck) indicates that the RO zone remains a viable district for the location of corporate office and research facilities.

However, Readington recognized that expanding the range of permitted principal and accessory uses within the RO zone could make re-occupation



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or re-use of the Merck facility, or other RO district properties, more attractive. The Township adopted Ordinance #07-2015 in September 2015, which added “medical offices” and “hotels” as permitted uses within the RO Zone, and provided additional accessory uses (conference centers, restaurants, bars and health/recreation) for hotels. Additionally, the ordinance amendment provided for multiple permitted uses to be developed together on lots over 10 acres.

The Township is continuing to monitor development/redevelopment interest in the Merck site and may consider additional adjustments to the RO zone if warranted, but there are no plans to engage in radical land use policy changes in the RO district.

**Recommendation:** The Township should continue to monitor the status of the RO district properties (Chubb, Merck, Bellemead, etc.) and should continue to support permitted development within the RO district, including incremental adjustments to the Land Use Regulations as necessary;

### 3.24 Zoning Map

*The current zoning map does not reflect a previous change in the boundary of the VC and VR districts that was adopted by the Township Committee on March 17, 2014. Additionally, the current zoning map does not reflect the existing locations of the SC-4 Overlay Zone (which is coterminous with the Village Residential (VR) zone. The Township should update the zoning map to address these two omissions.*

This item has been addressed. In December 2014, the Township adopted Ordinance #27-2014, correcting the zoning map as indicated above. No further action is necessary.

### 3.25 Permit Extension Act

In response to the “Great Recession”, which is defined as the period from December 2007 through June 2009, the Permit Extension Act was signed into law July 2008. It has been extended three times, with the most recent extension signed in December 2014. The Act extends certain approvals issued on or after January 1, 2007 through December 31, 2015, with the covered approvals to expire no later than June 30, 2016. Most subdivision,



## PLANNING POLICY ISSUES AND RECOMMENDATIONS

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site plan, and variance approvals granted pursuant to the MLUL, as well as many approvals granted by the NJDEP, are included in the covered approvals. Exceptions from the Act include federal permits and permits for development in environmentally sensitive areas such as in portions of the Highlands Region and in Planning Area 4B, 5 or critical environmental sites as defined by the 2001 State Development and Redevelopment Plan.

**Recommendation:** The Township should identify any existing, unbuilt development approvals for which protection may be expiring in June 2016. With such protections expiring, the Township may want to consider if land use policy changes are warranted.

### 3.26 Readington Farms/ROM-1

Readington Farms, the owner and operator of a manufacturing plant located within the Research, Office and Manufacturing (ROM-1) Zone west of Mill Road, has approached the Township regarding an expansion of its existing manufacturing facility. This expansion of this long-time Readington business is being sought in order to modernize processing and increase capacity at the site. As described, such an expansion would exceed the capacity/intensity permitted under the existing ROM-1 regulations, and would require a “D” variance. Additionally, the Readington Farms facility is located just outside the Whitehouse-Mechanicsville Historic District in one of the most picturesque locations within the Township. Therefore, the character of any expansion within this district must be manifested in such a manner as to protect the historic character.



View north along Mill Road of Readington Farms manufacturing plant.



## PLANNING POLICY ISSUES AND RECOMMENDATIONS

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Readington sees the value in maintaining and enhancing the viability of businesses and, in particular, within this ROM-1 district at the intersection of Whitehouse Station and Whitehouse. Land use regulations that provide for the ability to expand, while also protecting historic resources have the potential to strengthen businesses, resulting in job creation and other economic benefits.

#### **Recommendation:**

- The ROM-1 zone in this location should be reviewed for possible amendment, or a new zone considered (ROM-3) that would permit limited additional development capacity for those properties within the zone.



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- New (ROM-3) or amended regulations for this district may include provisions for the transfer of intensity from non-contiguous parcels, as appropriate.
- Such regulations should ensure protection/restoration of the viewshed associated with the Whitehouse-Mechanicsville Historic District and Mill Road corridor.
- Lots with buildings or structures in this district that are identified as “contributing” to the character of the Whitehouse-Mechanicsville Historic district should be re-zoned to VR Village Residential. (*See Appendices 3 and 4.*)
- The following are recommended basic new regulations for this district:
  - Possible increased FAR
  - Possible increased impervious coverage
  - Enhanced buffers at frontages and for parking



### 3.27 Hartman Mixed-Use Development

Construction on the mixed-use development approved at the “Shoppes at the Farm” (Hartman) site (Block 36, Lot 48) is progressing towards completion. This project, which includes retail space and 15 dwellings reserved for low- and moderate- income households, is located in the PO Professional Office zone. It was the subject of a use variance in 2010, but should be included within its own zone that reflects the approved uses and bulk regulations. The Hartman project left a retail car parts business at the corner of Coddington Road and Route 22 (Block 36, Lot 47). New zoning regulations



## PLANNING POLICY ISSUES AND RECOMMENDATIONS

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should be considered for both the Hartman site and the adjacent corner property to ensure compatibility between sites.



### *Mixed Use (MU) District*

A new zone, the Mixed Use (MU) District, should be considered for the Hartman site (B. 36, Lot 48) to encourage and support the previously approved combination of residential and non-residential uses in this particular location. (See Map 2.) The residential uses permitted within the MU zone would include apartment dwellings and townhouses, including affordable housing units. Non-residential uses to be permitted within the MU zone would include:

- Small professional and general offices (but excluding medical , dental, real estate and other high traffic-generating office uses);
- Retail sales of goods and services;
- Personal service facilities (such as barber shops, beauty salons, laundry collection, show repair, radio and television repair, watchmaking, printing establishments, and newspaper offices);
- Full service restaurants; and
- Banks.

Additionally, small appliance repair (excluding automotive repair) and facilities for fabricating, finishing or assembling handicrafts, gifts, ornamental or similar goods for sale exclusively on the premises and at retail could be permitted in the MU zone.



Other permitted uses within the MU zone could include:

- Community rooms for tenants, both residential and commercial;
- Outdoor recreation for residents only; and
- Outdoor market and gathering area, open to the public.

The proposed bulk standards for the MU zone would provide for an increased level of development in comparison with the PO zone standards, while still providing appropriate protection for adjacent land use, and limiting traffic impacts, particularly along Coddington Road. A maximum FAR in the range of 0.25 to 0.35 should be considered for this zone.

***Professional Office/Multi-Family (PO/MF) Overlay District***

A new overlay zoning district, the Professional Office/Multi-Family (PO/MF) Overlay District, should be provided for the corner lot (B. 36, Lot 47) adjacent to the Hartman site, to encourage development of multi-family residential uses in conjunction with the permitted uses in the underlying Professional Office (PO) District. (*See Map 2.*) This mixed-use zoning overlay approach would improve compatibility with the mixed-use development on the adjacent Hartman site, and the multi-family residential uses permitted by the overlay zoning could help support the approved retail and restaurant uses on the Hartman site. The majority of multi-family residential units in the PO/MF Overlay zone should be located on second- or third-story levels above ground level professional office or other non-residential uses permitted by the underlying PO District zoning.

**Recommendation:**

- Rezone the “Shoppes at the Farm” (Hartman) site (Block 36, Lot 48) from PO Professional Office to a new Mixed Use (MU) Zone to reflect the current mixed use development of the site that was approved through a use variance, minor subdivision and site plan approval in 2010.
- Provide a new overlay zone, the Professional Office/Multi-Family (PO/MF) Overlay District, as an alternative to the existing PO zoning on the adjacent corner lot (B. 36, Lot 47), complementing and supporting the approved mixed-use development on the Hartman site.



## PLANNING POLICY ISSUES AND RECOMMENDATIONS

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### 3.28 Walmart (Route 22)

**Recommendation:** The zoning map should be updated to reflect the recent adjustment to the boundary of the B and AR district at the Walmart site (Block 14, Lot 49), pursuant to Ordinance #05-2015, adopted on June 1, 2015.



## 4. Redevelopment Recommendations

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 (NJSA 40A:12A-1 *et seq.*) where enhanced zoning and fiscal tools may prove effective in implementing land use policies. These areas include:

- **Route 22/Whitehouse Corridor.** There continues to be a strong demand for retail use along the corridor; however, there are a number of isolated sites, some on undersized lots, which are not developed to current standards and are poorly integrated with surrounding land uses. Redevelopment may create opportunities for renewal of obsolete and dilapidated sites.
- **Whitehouse Station.** There has been only limited development of mixed -use projects as is encouraged under zoning, despite continuing demand for retail and residential development in the vicinity of Whitehouse Station. This area should be reviewed for sites that may qualify for redevelopment, such as the Harsch property, behind the Rail restaurant, or other similarly situated properties. Additionally, lands that have not been developed should be evaluated against the redevelopment criteria.
- **Three Bridges.** The Three Bridges area should also be reviewed for sites that may qualify for redevelopment. However, existing limits on waste water capacity may limit the potential for redevelopment in this area of the Township.

### Recommendation:

- Compile listing of candidate properties in these areas for sites for preliminary investigation to determine if they would qualify as an “area in need of redevelopment” pursuant to New Jersey’s Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 *et seq.*)



## REDEVELOPMENT RECOMMENDATIONS

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### Clarke Caton Hintz

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

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**APPENDIX A:**

**November 16, 2015 Settlement Agreement Exhibit A – Concept Plan**







**APPENDIX B:**

**November 16, 2015 Settlement Agreement Exhibit B – Development Regulations**



Chapter 148. Land Development

Article IV. District Regulations

§ 148-27. PND-2 Planned Neighborhood Development Zone.

A. Purpose of the PND-2 Zone. The PND-2 Zone is intended to provide for a planned residential development of single-family detached dwellings pursuant to the settlement of the litigation entitled *Ryland Developers, LLC, vs. The Township of Readington*, et al., Docket Number HNT-L-496-09. Development within the PND-2 zone shall be substantially consistent with the Concept Plan, entitled "Ryland Developers: Residential Concept for Lots 29.02 & 29.03 in Block 14, Situated in Readington Township, Hunterdon County, New Jersey," and dated July 2, 2015 and revised October , 2015 ("Concept Plan"), that is attached to the Settlement Agreement regarding the above referenced litigation ("Settlement Agreement"), dated \_\_\_\_\_ and this Zone shall be construed to provide for the development of the above-referenced Concept Plan.

B. Permitted Principal Uses

- (1) Detached Single-Family Dwellings
- (2) Agriculture
- (3) Open Space

C. Permitted Accessory Uses

- (1) Private residential swimming pools
- (2) Residential toolsheds, garages and storage buildings not to exceed 15 feet in height.
- (3) Off-street parking.
- (4) Fences and walls as regulated in Article VI.
- (5) Signs as regulated in Article XII.
- (6) Outdoor barbecue structures.
- (7) Essential utility services, including the provision of electric, water, sewer, telephone and cable service.
- (8) Home occupations as regulated in §148-53.
- (9) Integrated solar energy facilities as regulated in § 148-60.2.

D. Maximum building height. No building shall exceed 35 feet in height and 2 1/2 stories.

E. Area and Yard Requirements.

- (1) Minimum lot size: 12,000SF.
- (2) Maximum floor area ratio:
  - (a) 0.30, inclusive of garages, on lots where a "front-entry" garage is constructed but excluding basements;
  - (b) 0.35, exclusive of garages and basements, on lots that do not have a "front-entry" garage.

- (3) Minimum front yard setback: 25 feet.
- (4) Minimum rear yard setback: 25 feet.
- (5) Minimum side yard setback: 10 feet-minimum / 30 feet combined.
- (6) Minimum frontage on a street: 40 feet.

F. Open space

- (1) Open space totaling no less than 42% of the overall tract (i.e., Block 14, Lots 29.02 & 29.03) exclusive of Stormwater management facilities, shall be permanently deed restricted from further development and shall be utilized either for, natural resource conservation, open space, agriculture or passive recreation. Additionally the following regulations apply:
  - (a) The open space shall be dedicated to the Township in accordance with the terms of the Settlement Agreement and shall be maintained as open space or agriculture, as appropriate, by the Township.
  - (b) Stormwater management facilities identified in the Concept Plan shall be maintained by the Township as part of the overall stormwater management system.
  - (c) The stormwater management system and emergency access easement for the proposed development may be located in the open space parcel; however, the land area of any detention or retention basin(s) shall not be counted toward the minimum open space area requirements in this section. Rights-of-way, easements or cartways of any existing or proposed public or private streets or accessways shall not be included in the calculation of the minimum required open space area.
  - (d) The set-aside of open space shall comply with § 148-60, except that fencing shall be required to be provided between new residential lots and the proposed open space where rear and side yards for such lots directly abut the proposed open space. This does not preclude the developer from having to provide fencing, if necessary based on the final design, between the stormwater management facilities located within the open space and other portions of the open space. The maintenance period for the open space shall end at such time as the Township accepts the dedication of the open space.
  - (e) The extent and configuration of the open space area shall be substantially consistent with that which is delineated on the Concept Plan.

G. Minimum off-street parking –Each dwelling shall be provided for off-street parking in conformance with *NJAC 5:21, et. seq.*, the New Jersey Residential Site Improvement Standards (RSIS).

H. Street setback. New streets shall be located no closer than 25 feet to the original tract boundary of any development, except at the point at which a new street intersects an existing street for the purpose of providing access to the development.

I. Garages/Basements

- a. Front-entry garages are permitted, although non-front-entry garages are preferred if practical.
- b. Basements and garages are permitted.

J. Exemptions

- a. Activities permitted in this Zone that occur within the delineated limits of site disturbance as depicted on the Concept Plan, or such limits depicted on the subdivision plan, if of a lesser extent, shall be exempt from the requirements of § 148-50(A) of this chapter.
- b. Activities permitted in this Zone that occur within the delineated limits of site disturbance as depicted on the concept plan, or the limits depicted on the subdivision plan, if of a lesser extent, shall be exempt from the requirements of § 148-60.1(A)-(G) of this chapter.

**§148-9 Front-Entry Garage**

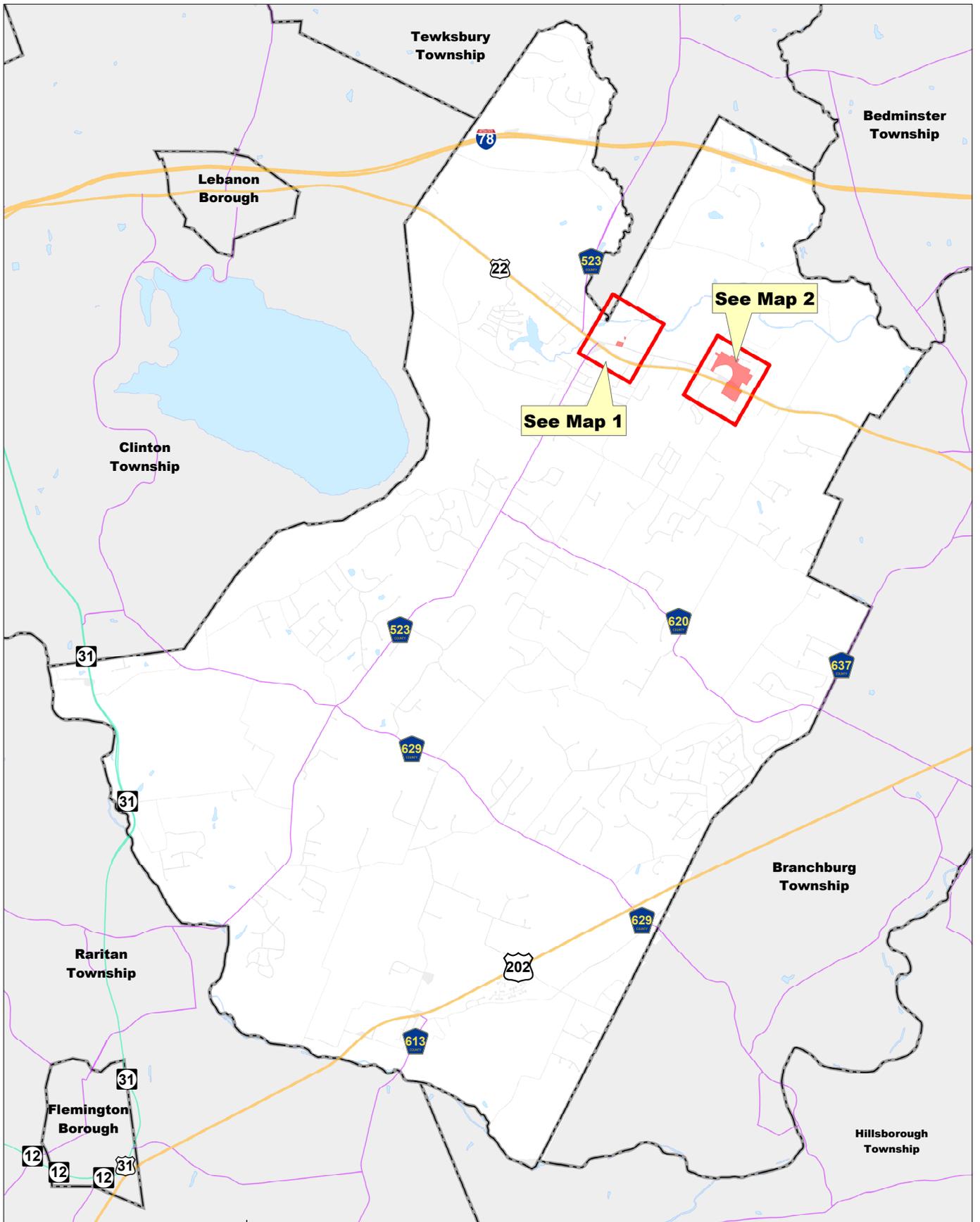
A private garage with vehicular access doors facing a public street.



**APPENDIX C:**

**Location of Proposed Land Use Changes**





MASTERPLAN RE-EXAMINATION REPORT

**Clarke Caton Hintz** ● ● ■  
 Architecture  
 Planning  
 Landscape Architecture

# Location of Proposed Land Use Changes

LOCATION:  
 Readington Township, Hunterdon County, NJ

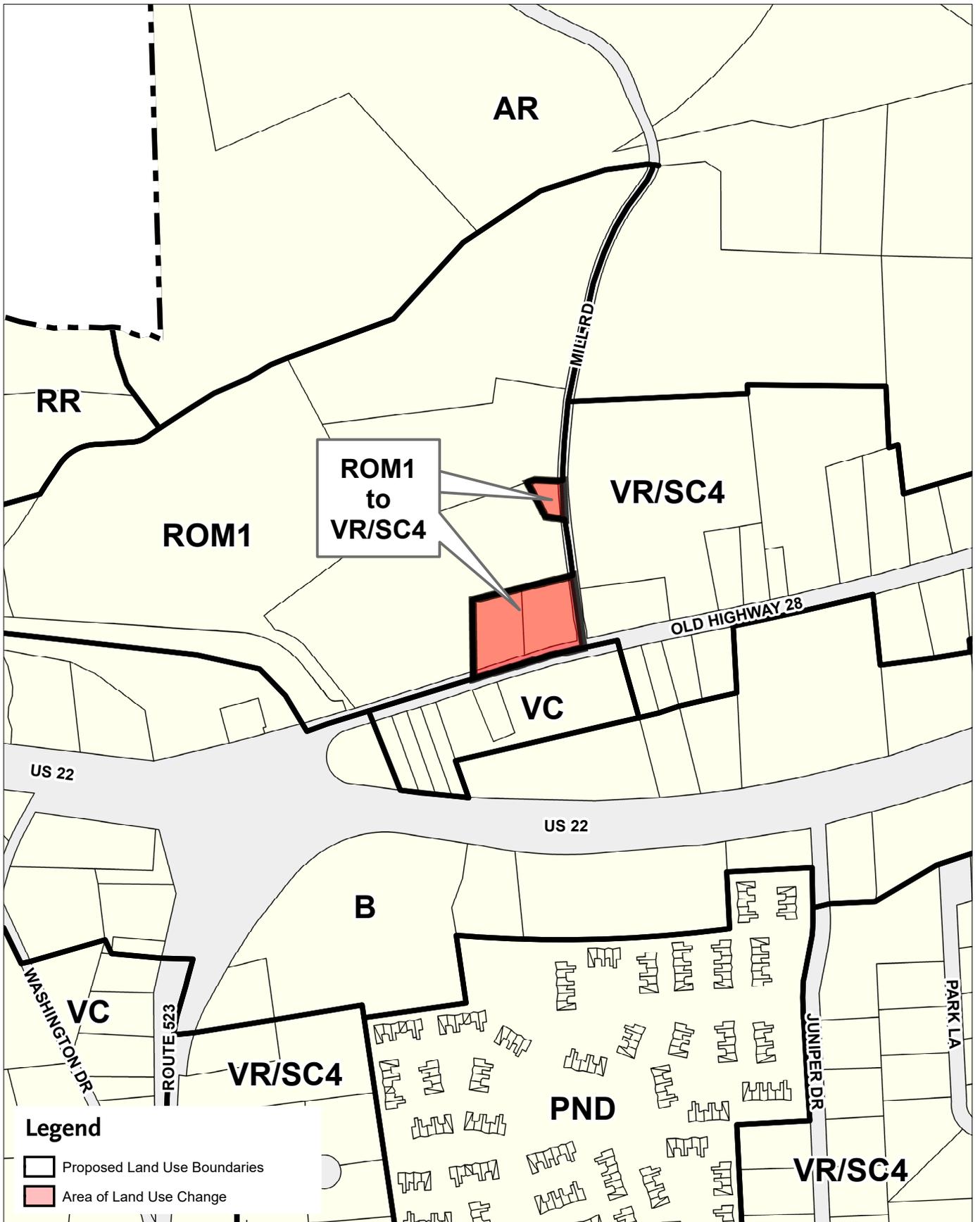
DATE:  
 March 2016



**APPENDIX D:**

**Map 1 - Proposed Land Use**





**Legend**

-  Proposed Land Use Boundaries
-  Area of Land Use Change



MASTERPLAN RE-EXAMINATION REPORT

Parcel Source: NJGIN Tax Parcels for Hunterdon County 2014  
 Zoning Source: Zoning Map for Readington Township /  
 Clarke Caton Hintz / December 22, 2014

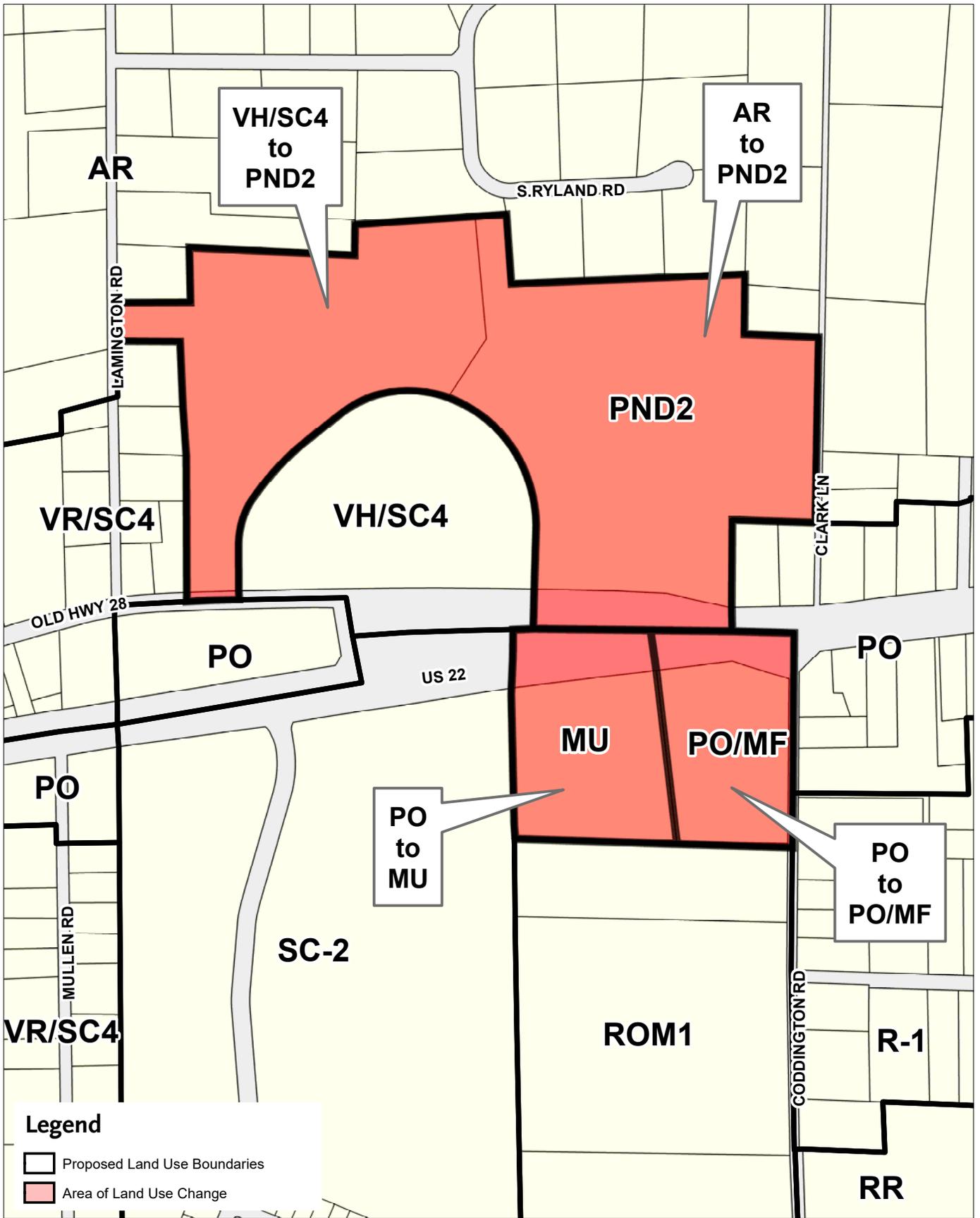
# Map 1 - Proposed Land Use



**APPENDIX E:**

**Map 2 - Proposed Land Use**





MASTERPLAN RE-EXAMINATION REPORT

Parcel Source: NJGIN Tax Parcels for Hunterdon County 2014  
 Zoning Source: Zoning Map for Readington Township /  
 Clarke Caton Hintz / December 22, 2014

# Map 2 - Proposed Land Use

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LOCATION:  
 Readington Township, Hunterdon County, NJ

DATE:  
 March 2016