

# **TOWNSHIP OF MONTGOMERY**

**SOMERSET COUNTY  
NEW JERSEY**

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## **PERIODIC REEXAMINATION OF THE MASTER PLAN AND DEVELOPMENT REGULATIONS**

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**August 2017**

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**August 2017**

Prepared by:

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**TOWNSHIP OF MONTGOMERY  
REEXAMINATION OF THE MASTER PLAN  
AND DEVELOPMENT REGULATIONS  
August 10, 2017**

**I. INTRODUCTION**

The Master Plan is a long-range planning document prepared and adopted by the Planning Board. It is intended to guide policy decisions and form the basis and justification for the zoning ordinance which is enacted by the Township Committee. The New Jersey Municipal Land Use Law (MLUL) N.J.S.A 40:55D-1 et seq., grants municipalities the power to enact a master plan with a land use element, and when that element is adopted, the municipality has the authority to adopt a zoning ordinance. The Master Plan is comprised of various elements that inform the public on specific matters related to land use, traffic circulation, affordable housing, recreation, historic preservation, farmland preservation, open space and protection of environmentally sensitive lands.

The current Master Plan for Montgomery Township was first adopted in 1972. During the past forty-five (45) years since that time, the Master Plan has been reexamined, changed, modified, refined and expanded. Today, the existing Master Plan of the Township of Montgomery consists of the following thirty-eight (38) documents, which include seven (7) of the principal Master Plan Elements as permitted and noted at N.J.S.A. 40:55D-28 of the Municipal Land Use Law:

- Master Plan 1971
- Land Use Plan Element 1985
- Periodic Reexamination Report 1986
- Periodic Reexamination Report 1988
- Background Studies 1988
- Traffic Circulation Plan Element 1986, with five (5) amendments adopted thereafter through December 13, 1993
- Existing Land Use Update and Build-Out Analysis 1990
- Recreation Plan and Conservation Plan Elements 1991
- Historic Preservation Plan Element 1992
- Master Plan Summary Document 1993, which included an updated "Land Use Plan Element";
- Housing Plan Element and Fair Share Plan 1995, with later modifications as requested by the New Jersey Council On Affordable Housing (COAH) and "Substantive Certification" granted by COAH on March 5, 1997
- Master Plan Addendum 1996: General Development Plan for the North Princeton Developmental Center Property, adopted by the Township Committee and formally adopted by the Planning Board as part of the Master Plan on May 11, 1998
- Land Use Plan & Periodic Reexamination Report 1996
- Supplemental Modifications No. 1 to the Montgomery Township Land Use Plan and Periodic Reexamination Report 1997
- Periodic Reexamination Report 1998



- Periodic Reexamination Report 2000
- Periodic Reexamination Report 2001
- Traffic Circulation Plan Element 2002, Amendment No. 1
- Traffic Circulation Plan Element 2002, Amendment No. 2
- Traffic Circulation Plan Element 2003, Amendment No 1
- Periodic Reexamination Report 2002, (Princeton Airport)
- Land Use Plan Element 2003, Amendment No. 1
- Farmland Preservation Plan 2003
- Natural Resource Inventory 2004
- Municipal Stormwater Management Plan 2005, later revised 2007
- Redevelopment Planning Framework & Guidelines for the Core Property of the North Princeton Developmental Center Property 2005
- Housing Plan Element & Fair Share Plan 2005
- Periodic Reexamination Report 2008
- Housing Plan & Fair Share Plan 2008

Other planning documents that have been adopted since the last Periodic Reexamination Report include:

- Fair Share Amendment 2010
- Comprehensive Farmland Preservation Plan 2010
- Land Use Plan Amendment 2011, (Carrier Clinic)
- Land Use Plan Amendment 2014, (Country Club Meadows)

## **II. REQUIREMENTS OF THE MASTER PLAN REEXAMINATION REPORT**

The Periodic Reexamination Report is the Planning Board's assessment of whether its master plan and the municipality's development regulations need to be modified. It examines what has occurred since the last reexamination report and offers the opportunity to recommend changes to the regulations or updates of the master plan. Section 40:55D-89 of the MLUL specifies five specific areas that must be addressed by the reexamination report:

- "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 been 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, dispositions 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."

As required by the Municipal Land Use Law, the Montgomery Township Planning Board authorized the preparation of this "Periodic Reexamination Report" in order to continue the efforts of the Township to both protect its environmental resources and to promote sound land use planning and development.

### **III. MAJOR PROBLEMS AND OBJECTIVES AT THE TIME OF ADOPTION OF THE 2008 REEXAMINATION REPORT & THEIR STATUS**

This section combines the first two requirements of a reexamination report: a summary of the major problems and objectives relating to land development in the municipality at the time of the last reexamination report, and the extent to which the problems and objectives have been reduced or have been increased since that time. At the end of this section, there is also an update on the status of the actions which were recommended in the 2008 Reexamination Report.

#### **A. Objectives of the 2008 Reexamination Report**

The 2008 Reexamination Report set forth the following land use objectives which remain valid at this time. These land use objectives were first formulated in 1989 as part of the "Part II: Land Use Plan and Housing Elements" portion of the Master Plan, and later three were modified slightly in 2001 Reexamination Report.

- 1. The Development Plan of Montgomery Township should maintain the continuity of the Township's planning process and build upon and refine the past planning decisions of the municipality, consistent with present local and regional needs, desires and obligations.
- 2. The identity of the Township as a totality and the integrity of individual neighborhood areas should be preserved, enhanced and created to the maximum extent possible.
- 3. The Development Plan should recognize the physical characteristics of the Township and acknowledge the inherent capabilities and limitations of the land to host different types of community development at appropriate densities and intensities.
  - a. Conservation of existing natural resources should be an integral part of the planning process, with special attention to the constraints of environmentally critical and

sensitive areas including, by not limited to, wetlands, wetlands transition areas, aquatic buffer zones, stream corridors, 100-year flood plains and lands with topographic slopes of fifteen percent (15%) and greater;

- b. In order to safeguard against contamination of underground potable water supplies from the septic effluent discharged above or near ground level, the capacity of the soils throughout the Township to absorb and adequately filter septic effluent before the effluent enters the potable water supply should be a basic consideration in establishing residential densities and minimum lot sizes for housing within the Township;
  - c. The groundwater resources of the various geological formations within the Township should be considered, and care should be taken to permit densities and intensities of development commensurate with the capacities of the underlying aquifers to provide an adequate potable water supply;
  - d. Applicable stormwater facilities and drainage basin and watershed plans, especially concerning the regional potable water supply, should be implemented in order to prevent adverse environmental impacts upon lands within the Township and upon surface and subsurface water resources; and
  - e. Based upon the documented information regarding the physical characteristics of the land and its ability to support the development of residential dwelling units which rely upon septic disposal systems, the minimum lot sizes required within the residentially zoned land areas of the Township should be periodically reassessed and changed when deemed prudent in order to protect existing and future homeowners from any degradation of the environment which would affect the homeowners' quality of life.
- 4. The Development Plan should strive to prevent the homogenous spread of suburban development throughout the municipality. Specific areas of the Township should be designated for specific types of residential and non-residential development. The rural and country atmosphere which prevails throughout most of the municipality should be maintained.
  - 5. Recognizing the housing obligations of the municipality, but attempting to prevent sprawl and maintain a development mix balanced between residential and non-residential construction, the Development Plan should guide and contain the principal commercial and higher density residential development within the municipality to specific areas of concentrated land uses. One of these areas, referred to as the Rocky Hill node, currently exists along Route 206 near its intersection with Route 518. A second area, originally proposed in the 1974 "Housing Report", is situated within the Belle Mead area of the Township at the northern terminus of Route 206 north of Crusier Brook and Belle Mead-Griggstown Road, and is referred to as the Belle Mead node.
  - 6. Between the two (2) nodes of concentrated development along Route 206, referred to as the Rocky Hill node and the Belle Mead node, the Development Plan should continue to

prevent the evolution of strip commercial uses along Route 206.

7. The Development Plan shall provide that the future relatively high density housing to be permitted in the Belle Mead node be planned as part of relatively large scale developments in order to insure that adequate roads, recreational areas, drainage facilities, public water and sewerage facilities and other infrastructural improvements are constructed commensurate with the residential development.
8. The principal retail shopping facilities within the municipality should be provided within proximity to the two (2) nodes of concentrated residential development in order to avoid the proliferation of vehicular shopping trips.
9. Industrial, research and office acreage should be controlled with appropriate regulations, without denying the needs of modern research and manufacturing activities and without threatening the existing balance between residential and non-residential development within the municipality and the benefits of a balanced tax base.
10. The Development Plan should safeguard and promote the preservation of farmland, open space and woodlands areas within Montgomery Township, and such areas should be set aside whenever possible for conservation and/or recreational purposes.
11. A policy of encouraging the preservation of historic districts, sites and structures, through the formulation of appropriate mechanisms to identify and protect those districts, sites and structures which are of value to Montgomery Township, should be pursued and implemented."

#### **B. Problems Identified in the 2008 Reexamination Report & Their Status**

The 2008 Reexamination Report did not identify any major problems, but did note that regarding the "Rocky Hill" and "Belle Mead" Nodes, "...significant residential development already has been constructed in both node areas, yet there still is land available to develop the planned non-residential development in order to create a development mix balance between residential and non-residential construction". The Township's nodal system has formed the basis of the Township's zone plan since 1985, and is consistent with the State Plan's center-based planning concept.

**Status:** Since the 2008 Reexamination Report there has been significant changes to both the "Belle Mead" and "Rocky Hill" nodes. In 2014, the Township amended the Land Use Plan Element to permit a Planned Unit Development (PUD) within the "Belle Mead" node to address the imbalance mix between residential and non-residential and settle multiple lawsuits. The PUD is an inclusionary development, providing 27 affordable rental apartments, and permits 130,000 square feet of retail space and 148 single family homes. When completed, the new retail will provide much needed convenience for the residents in the Belle Mead section of Montgomery Township, including the existing 1,288 unit "Pike Run Planned Residential Development" (PRD) – which includes a variety of housing types and densities. The project has

been approved by the Planning Board and 175 acres of the PUD has been cleared and infrastructure is being installed.

Since 2015, the Master Plan Committee has been working on an overlay zone within the “Rocky Hill” Node, and the details of the zoning recommendations are in the Land Use Plan Element Update at the end of this report.

### **C. Recommendations of the 2008 Reexamination Report & Their Status**

The 2008 Reexamination Report did not recommended any specific changes to the Master Plan or Land Development Ordinance, but did identify certain elements of the Master Plan that should be updated. The status of those recommendations is provided below.

1. *The "Existing Land Use Map", which was last updated during October 2000, should be updated. **Addressed.*** An updated Land Use Map has been prepared and is included in the Land Use Plan Element update at the end of this report.
2. *The combined "Recreation Plan & Conservation Plan Elements" document, which was last comprehensively prepared and adopted on August 12, 1991, should be updated. **Underway.*** The Township Recreation Committee and Open Space Committee are both in the process of updating the background information, goals and action plans. In order to remain in good standing with NJDEP Green Acres Program for participation in the Green Acres Planning Incentive Grant Program, the Township is required to update the Open Space and Recreation Plan (OSRP) no later than December 31, 2017.
3. *The "Historic Preservation Plan Element" document, which was last comprehensively prepared and adopted on July 13, 1992, should be updated. **Recommendation remains valid, but is not necessary at this time.***
4. *The "Traffic Circulation Plan", which has been amended numerous times during recent years regarding specific sub-areas of the Township, was last comprehensively prepared and adopted on December 15, 1986, and should be updated. **Recommendation remains outstanding but is not time sensitive.*** While this recommendation remains outstanding, the last updates in 2002, 2003 and 2005, remain valid as the plans for traffic circulation policy and objectives. The updates that could be made, but are not time sensitive, include removing proposed new roadways that are either no longer necessary due to completed bridge replacement projects (e.g. Cherry Hill Road) that now provide flood-free crossings, or new roadways that could not be constructed because of environmental constraints (e.g. extension of Linton Drive). Additionally, the Township Committee suggested that the Complete Streets policy be incorporated in the next Traffic Circulation Plan update of the Master Plan. This is not time sensitive, since the Township Engineer incorporates this policy into municipal roadway projects, and both the State and County have adopted Complete Streets policies as well to address State and County roads.

5. *The "CC" Community Commercial and "HC" Highway Commercial zoning district ordinance provisions should be critiqued and amended as necessary to assure that they will foster the most optimum development pattern along Route 206. **Addressed.***  
Ordinance #12-1427 was adopted on December 20, 2012.
6. *A new "Statement of Objectives, Principles, Assumptions, Policies and Standards" should be added to the Master Plan addressing "Sustainable Development" and guidelines should be added to the "Land Development Ordinance" provisions. **Partially addressed.***  
While a new statement of objectives has not been added to the Master Plan, Chapter 5.2 of the LDO addresses stormwater management and grading, and requires the submission of a LEED checklist and non-structural stormwater strategies with examples for low impact design.
7. *A new "Housing Plan Element & Fair Share Plan" should be adopted to address Montgomery Township's "third round" affordable housing obligation as mandated by the New Jersey Council on Affordable Housing (COAH). **Completed.*** On November 22, 2010, the Planning Board adopted an amendment to the previously adopted third round housing element and fair share plan. A complete update on the status of affordable housing is provided in a later section of this report.

#### **IV. SIGNIFICANT CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS OF THE PLAN OR DEVELOPMENT REGULATIONS AS LAST REVISED**

This section addresses the MLUL requirement that a reexamination report examine the extent to which there have been significant changes in assumptions, policies and/or objectives forming the basis for the master plan or development regulations as last revised. A summary of changes in municipal, county and state assumptions, policies and objectives since the 2008 Reexamination Report is provided.

##### **A. Local Level Changes in Policies & Objectives Since 2008**

***Fair Share Plan Amendment (2010)*** Montgomery Township was the *first municipality* in the State of New Jersey deemed to be in compliance with its "Mount Laurel II" housing obligations through *voluntary* measures. Since that time, the Township has continuously met its State-mandated fair share housing obligation. In 2010, the Planning Board amended the Fair Share Plan, and was in the process of being deemed compliant by the Council on Affordable Housing when the agency was dissolved and the process was moved to the courts. The 2010 Plan produced an important policy decision to locate affordable housing within close proximity to public transit and jobs, and take advantage of underutilized sites that could be redeveloped. In fact, nearly 74% of the units proposed were located along Route 206 corridor within walking distances to existing public bus service. Affordable units were also proposed for new mixed-use developments. This policy has become an important part of the Township's land use planning efforts in the "Belle Mead" and "Rocky Hill" nodes.

***Land Use Plan Amendments (2011 & 2014)*** The 2011 Land Use Plan Amendment for a Planned Behavioral Health Complex recommended the rezoning of lands to legitimize the existing Carrier Clinic use and permit reasonable and controlled expansion over time. The 2014 Land Use Plan Amendment for the Belle Mead Planned Unit Development recommended the rezoning of lands into four (4) sub-development areas of the PUD that would permit a mix of non-residential and residential less intense than the current zoning permitted, partly to ensure that the traffic generated from the development can be accommodated on the existing roadway network with relatively minor additional improvements.

***Additions to the Preserved Open Space and Farmland Inventory*** Since 2008, an additional 1,375 acres have been preserved within the Township bringing the total preserved land area to 7,645 acres, representing 37% of the Township. These land acquisitions have preserved sensitive environmental resources and active farmland. Other key pieces that have been added to the open space inventory are missing linkages in the Township's greenbelt, particularly along the Rock Brook Greenway in the sensitive Sourland Mountain region of the Township. In 2010, the Comprehensive Farmland Preservation Plan was updated to maintain eligibility for the State Agricultural Development Committee (SADC).

## **B. County Level Changes in Policies & Objectives Since 2008**

***Somerset County Water Quality Management Plan*** In 2008, the New Jersey Department of Environmental Protection adopted significant amendments to its Water Quality Management Planning Rules ("Rules") (N.J.A.C. 7:15). Among many other changes, the 2008 amendments placed primary responsibility for developing wastewater management plans on county governments. In 2016, the NJDEP further amended the Rules to make the process more workable and rely more heavily on planning at the local level. With greater flexibility in preparing the plans, the process is ongoing for Somerset County, with active engagement and oversight by the Township. A final plan is expected to be adopted by Somerset County in 2017.

## **C. State Level Changes in Policies & Objectives Since 2008**

***New Jersey Council on Affordable Housing (COAH)*** Following multiple legal challenges by municipalities, builders and affordable housing advocates, the New Jersey Supreme Court not only invalidated COAH's "Third Round Growth Share Rules" but dissolved the administrative agency that was charged with establishing and overseeing the production of affordable housing. Approval of municipal housing plans, and determining the number of affordable units for each municipality, is now the trial courts responsibility.

On July 7, 2015, Montgomery Township filed a declaratory judgement in the Somerset County Superior Court, and shortly thereafter received immunity from builders remedy lawsuits and a judicial declaration that its housing plan is presumptively valid because it presents a realistic opportunity for the provision of its fair share of the regional need for low- and moderate-income housing. Subsequently, the Township submitted a current affordable housing plan summary in March 2016 and awaits the court's determination of its third round obligation. During this time, the Township has continued its efforts to foster the production of affordable housing for third

round compliance. Construction of affordable units is ongoing reflecting the Township's commitment to meeting that obligation just as it has met all prior round obligations.

***Landscape Project (2017)*** The Landscape Project is a tool prepared by NJDEP to assist planners, Land Use Boards and environmental commissions with land use decisions to balance development and habitat protection, and increase predictability for developers. It also helps with strategic wildlife habitat conservation. A new version was released on May 9, 2017 which updated the Land Use/Land Cover data and new species occurrence data since the last release.

***Complete Streets (2009)*** The New Jersey Department of Transportation (NJDOT) adopted a Complete Streets Policy to encourage safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options. In 2012, the Montgomery Township Committee adopted a Complete Streets Policy and is working to improve streets to accommodate all modes of travel within the Township, including pedestrians, bicyclists, motorists and mass transit riders.

The complete streets policy is consistent with the Township of Montgomery's long standing efforts to provide an extensive pedestrian-bikeway corridor system and the Montgomery Township Code 16-5.14c, which requires developers to construct onsite and offsite sidewalks, pathways and linkages. The Township's "Pedestrian-Bikeway Corridor Plan" is the guide for construction of any sidewalks, pedestrian, intersection treatments, bicycle facilities, and transit accommodations as part of any roadway improvement project.

***Millstone Valley Scenic Byway Corridor Management Plan (2008)*** Prepared for the Millstone Valley Preservation Coalition and the New Jersey Department of Transportation, this document contains goals, strategies and responsibilities for conserving and enhancing the byway's valuable qualities. It was developed collaboratively with all those who have an interest in the future of the area included in the Byway corridor. It includes both a long-term vision for what the Byway may become and also a short-term action plan. Millstone Valley National Scenic Byway is formed by two roughly parallel roadways along the west side of the Millstone River (River Road) and the east side of the D&R Canal (Canal Road). Officially designated in 2009, the Byway is a recreational and cultural destination that has been recognized for its rural and scenic beauty and has a large number of intact historic districts, historic sites and villages associated with the early Dutch Settlers, the American Revolutionary War and the Canal era.

## **V. SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN AND DEVELOPMENT REGULATIONS**

Given the recommendations carried over from the 2008 Reexamination Report (as described earlier in this Report) and the changes in assumptions and policies since that time, the 2017 Reexamination Report recommends a number of changes to the Master Plan and Land Development Ordinance.



## **A. Recommended Changes to the Master Plan**

1. *Update the Fair Share Plan.* The 2008 Fair Share Plan was amended in 2010 to address the Township's fair share obligation. As stated in a prior section of this report, Fair Share Plans are now being reviewed and approved by the courts. In March 2016, the Township submitted to the Court a report with matrices that outlined the Township's current affordable housing plan summary. Once the Court has made its ruling, the Planning Board must adopt an updated Fair Share Plan, which is to be endorsed by the Township Committee.
2. *Examine the vacant, underdeveloped and underutilized commercial lands in the northwest quadrant of Routes 206 and 518, and make recommendations for possible land development alternatives to the existing zoning that are consistent with recommendations in the Township's current affordable housing plan summary.* This analysis has been completed and is included in an updated Land Use Plan Element that is included in this Reexamination Report.
3. *Examine the 2003 Land Use Plan Element section on "Land Use Plan Recommendations for Overlay Zones in the Study Area and Other Recommendations" and modify as necessary.* This analysis has been completed and is included in an updated Land Use Element that is included in this Reexamination Report.
4. *Update the Natural Resources Inventory (NRI).* The current NRI was completed in 2004 and several of the important data layers, such as NJDEP's Land Use/Land Cover and the Landscape Project, have been updated since that time.
5. *Update the Open Space and Recreation Elements of the Master Plan.* The Open Space Committee and Recreation Committee have both been working on an update to this document with a focus on improvements to existing parkland and enhanced connectivity of the pathways plans.

## **B. Recommended Changes to the Land Development Ordinance**

1. *Review the Public Parks and Education (PPE) zoning district, the definition of a "public purpose use", and a proposal from the Township Committee to permit a support group facility on Township-owned land within the zone.* The Public Parks and Education (PPE) zone was created 1996 for publicly owned lands held for public purpose uses, and includes the 1860 House and surrounding property located at 124 Montgomery Road. The 1860 House is owned by the Township of Montgomery and for many years, the Montgomery Center for the Arts, a nonprofit organization, leased the building from the Township for arts and educational activities open to the public. After the nonprofit group disbanded, the home has remained vacant. Though the 1860 House is of historical and architectural interest to the Township, on-going maintenance and upkeep is constrained by the Township's limited financial resources and other budgetary demands. The Township has carefully contemplated what to do with the house and given the original

intention that the house would be preserved and utilized by the public, has determined that it is in the best interest of the public to find a user for the house that would honor that commitment.

The Township was approached by The 24 Club regarding the possible use of the 1860 House by the organization. The 24 Club is a locally based non-profit corporation that was formed to assist people in their recovery from substance abuse problems. In order to facilitate the transfer of the 1860 House, the Township has authorized and approved Ordinance No. 16-1535 which allowed the execution of an Installment Purchase Agreement pursuant to the N.J.S.A. 40A:12-21(k). The Agreement is for a three (3) ± acre portion of Lot 13, Block 23001, inclusive of the 1860 House that is not needed by the Township for other purposes, to be sold to The 24 Club of Princeton, a non-profit organized for public purpose reasons.



The 1860 House is located in the PPE Zone, which does not permit support group uses. The property is surrounded by deed restricted open space and farmland, a large continuing care retirement community and the D&R Canal State Park. The Township Committee has recommended that a new land use be created for the PPE zone to permit support group facilities to be developed under certain conditions. Once the ordinance is adopted, the Township will make an application to the Planning Board for subdivision of the approximately three (3) acre new lot to be created and the new lot will be sold to The 24 Club.

The current definition of a public purpose use should be modified to reflect the emergency and fire protection services that are incorporated for the purpose of providing services in Montgomery Township. It is recommended that the definition be modified with the addition of the language in **bold**: “Public purpose use shall mean the use of land or buildings by the governing body of the Township, or an officially created authority or agency thereof, **or any emergency services or fire company incorporated for the purpose of providing emergency services or fire protection services in Montgomery Township and headquartered in the Township.**”

2. *Effectuate development proposals in the Township’s current affordable housing summary plan through zoning modifications.* The Township’s current affordable housing plan summary that was submitted to the Superior Court of Somerset County identified sites under consideration, including “Kepner-Tregoe,” “Village Shopper,” and the “1860 House.” The Township’s Affordable Housing Subcommittee and Master Plan Subcommittee have met on a regular basis, including meetings with property owners, to evaluate potential affordable housing sites and create new ordinances.

The Township should move ahead with adopting a new optional development alternative to be known as the “Planned Mixed Unit Development” overlay zone that has been drafted by the Master Plan Committee to effectuate development proposals for the “Kepner-Tregoe” and “Village Shopper” inclusionary development sites. The basis for the recommendation is further discussed in the Land Use Plan Element which follows this section.

3. *Amend the Planned Shopping Complex Ordinance to reflect current retail market and development trends.* The Planned Shopping Complex ordinance was adopted in 2003, with amendments in 2004, 2006, 2007, 2012 and 2017. Modifications to certain recommendations in the 2003 Land Use Plan Element are proposed in order to update and incorporate the amendments to the zoning ordinance that have occurred since the adoption of the ordinance in 2003.
4. *Evaluate proposals for modifications to the district regulations for the “Light Manufacturing - LM” (Sculpture House) and “Neighborhood Commercial - NC” Zoning Districts (Blawenburg Village Square).* There are several non-residential zones that include lands which are vacant and underutilized, some to the extent of being a blight in their respective neighborhoods. The Township should consider taking the appropriate action to encourage redevelopment of these sites consistent with a Township land use goal that, “Industrial, research and office acreage should be controlled with appropriate regulations, without denying the needs of modern research and manufacturing activities and without threatening the existing balance between residential and non-residential development within the municipality and the benefits of a balanced tax base.” The Master Plan Committee should draft modifications to these zoning districts that address the needs of these non-residential properties given the current economy and marketplace.

## **VI. LAND USE PLAN ELEMENT**

The current “Land Use Plan”, adopted by the Planning Board on June 12, 2000, is remarkably similar to the Township Master Plan adopted in 1972. While there have been many significant refinements, modifications and updates made to the plan over the years, the basic theme of the “Land Use Plan” has remained the same. The basic theme of the Master Plan has been and continues to be that there are two (2) so-called “nodes” of mixed-use development along the Route 206 corridor (i.e., Rocky Hill & Belle Mead), with single-family residential development the primary land use in between. This amendment to the Land Use Plan Element of the Master Plan addresses the vacant, underdeveloped and underutilized commercial lands in the “Rocky Hill Node”, specifically lands located with the “Planned Shopping Complex” overlay zone (i.e. Montgomery Promenade Shopping Center project/Madison Marquette) and lands located in the northwest quadrant of Routes 206 and 518 (i.e. “Kepner Tregoe/Sharbell”, “Village Shopper/Pugliese”, and the “corner properties”).

## **A. Existing Land Use Plan Map**

The “Existing Land Use Plan Map” has been prepared utilizing the Township’s GIS database to reflect the most current information on land use in Montgomery Township.

## **B. Modifications to the 2003 Land Use Plan Element and Amendments to the “Planned Shopping Complex” Optional Development Alternative**

In 2003, the Land Use Plan Element was updated to address proposed land use alternatives for development within a study area bordered by Orchard and Montgomery Roads to the north, by Cherry Valley Road and Princeton Avenue to the south, by Cherry Hill and Opossum Roads to the west, and by Rocky Hill Borough and Montgomery Road to the east. Included in that report was the recommendation to create new “Planned Shopping Complex” ordinance provisions to allow for the development of a pedestrian scaled retail commercial center.

The 2003 Land Use Plan Element describes the procedure when rezoning proposals are received by the Township as follows: “...*the Planning Board requested the Master Plan Committee to analyze the merits of the informal proposals relative to the existing zoning of the subject properties, the existing development within their vicinity and the goals and objectives of the Township’s Master Plan.*” This process remains the policy of the Township. The planning rationale for the rezoning was, “...*to develop a land use plan and a traffic circulation plan which are compatible with each other and which safeguard the quality of life both within Montgomery Township and within its neighboring jurisdictions.*”

The overall conclusion of the 2003 Land Use Plan Element for the planned shopping complex overlay zone, was that this subarea, “*should be developed as a comprehensively designed and approved planned shopping complex, with compact mixed uses, mostly retail, and including the possibility of a small number of age-restricted residential units in proximity to the existing seven (7) homes on the south side of Route 518, provided that the homes on integrated architecturally with the overall development.*”

In 2003, the Planned Shopping Complex optional development alternative was adopted to permit a retail shopping center on land north of Princeton Airport and a small amount of residential housing to buffer the existing homes on Route 518, and serves as an alternative to the underlying Research, Engineering & Office zone. The owner and developer of the proposed “Montgomery Promenade Shopping Center”, Madison Marquette, received Preliminary Site Plan Approval for the entire project and Final Site Plan Approval for Phase I from the Planning Board in 2006.

Subsequently, in 2008, New Jersey experienced a dramatic downturn in the economy, and the project was never constructed. In 2012 and 2016, Madison Marquette addressed the issue of project viability through requests made to the Master Plan Committee to modify the overlay zoning provisions. In 2012, Madison Marquette requested the Master Plan Committee consider minor changes to the “Planned Shopping Complex” overlay zoning provisions regarding signage.

Those changes were subsequently adopted by the Township Committee. In 2016, further

modifications were requested by Madison Marquette as they refocused their design to downsize the shopping center and enhance their plan for today's retail marketplace.

Following the recommendation of the Master Plan Committee, the Planning Board forwarded draft amended regulations which were adopted by the Township Committee on March 16, 2017. These changes were reviewed by the Township's Traffic Engineer and found to be acceptable, and that the anticipated traffic can be accommodated by the proposed road network recommended in the 2003 Traffic Circulation Plan Element. While the changes are substantially consistent with the planning objectives of the 2003 Land Use Plan, there are two recommended benchmarks in the 2003 Land Use Plan Element that should be updated.

The "general planning recommendation" that is being modified from the "Land Use Plan Element 2003 Amendment No. 1" dated June 30, 2003 includes:

"9) Regarding the "Casteneda" subarea, it is recommended that no more than three (3) buildings within the overall "planned shopping complex" contain a relatively large single user, and that the aggregate area of the three (3) buildings not exceed approximately one hundred fifty thousand (150,000) square feet, and that none of the three (3) buildings exceeds approximately ~~seventy-five~~ ~~fifty-five thousand~~ **(75,000 55,000)** square feet."

The "specific land use plan recommendation" that is being modified from the "Land Use Plan Element 2003 Amendment No. 1" dated June 30, 2003 includes:

"2) Subject to verification by the Township that the proposed road network can adequately accommodate the anticipated traffic, and assuming a development plan positively viewed by the Township, permit a floor/area ratio (FAR) of up to **0.175 0.15** on **a tract of land at least fifty (50) acres** ~~the approximately 47.21-acre tract, thereby resulting in up to 308,470 square feet of retail commercial development."~~

The above recommended benchmarks, and other planning and land use recommendations and design guidelines found within the 2003 Land Use Plan Element, provide guidance to the Governing Body in the creation or amendment of zoning regulations. It is anticipated that minor deviations are likely to occur that reflect the realities of addressing the market and development trends of current day. These changes often cannot be anticipated at the grosser level of detail found in a master plan, but should remain consistent with the core goals, objectives and principles of the master plan.

### **C. Creation of a new "Planned Mixed Use Development" Optional Development Alternative**

During the past several years, various developers with interest in properties within the northwest quadrant of Routes 206 & 518 independently submitted informal proposals to Montgomery Township for development of their individual properties. In each instance, the informal proposals were for development not permitted by the currently adopted Land Development Ordinance provisions, and therefore, the properties would have to be rezoned in order to permit the

proposed development or variations thereof. The Township's Master Plan Committee undertook a study of the area for a planned mixed-use alternative to the underlying zoning. The "study area" included the following parcels: Lot 7 in Block 28004, Lots 57, 58, 59, 60, 61, 62, 64, 65, 66, 68 and 69 in Block 28005.


### **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 Route 518 and Research Road: Lot 7 within block 28004 contains 4.09 acres. It is currently vacant and has been mostly cleared except for a buffer of existing vegetation along the southern and western property boundaries. The property is being used to stockpile soil. The site slopes upwards towards the rear of the property. Access is from Research Road and Hartwick Drive. Lot 66 within Block 28005 contains 26.03 acres. It is mostly wooded with a cleared area around the vacant office building. The driveway is located off Research Road. Lots 57 & 58 in Block 28005 contain 2.05 acres and is a single-family residential home on Route 518. Lot 59 in Block 28005 contains 1.55 acres and is a former vacant auto parts store that has been vacant for many years. Access is from Route 518.

The properties accessible from Route 206 include: Lots 65, 68 and 69 in Block 28005 contain 9.97 acres. Two of the three existing strip mall shopping centers are in need of updating and renovating. The third was recently renovated and expanded and is known as the "Village Shoppes at Montgomery". Lot 60 in Block 28005 contains 1 acre and was the site of the former "PSEG Substation". Lots 61 and 62 contain 1.83 acres and includes the "Tigers Tale" restaurant and associated parking lot with access to Route 206. Lot 64 within Block 28005 contains ½ acre and is the abandoned former "Texaco Gas Station" with access from Routes 206 and 518.







**TOWNSHIP OF MONTGOMERY**  
SOMERSET COUNTY, NEW JERSEY  
GEOGRAPHIC INFORMATION SYSTEM

### Existing Conditions of Study Area

DATE: July 10, 2017	DRAWN BY: R.K.C.
LAST REVISED: July 21, 2017	CHECKED BY: L.A.S.

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**Legend**

- Study Area
- Parcels
- Existing Buildings
- ~ Streams
- Ponds



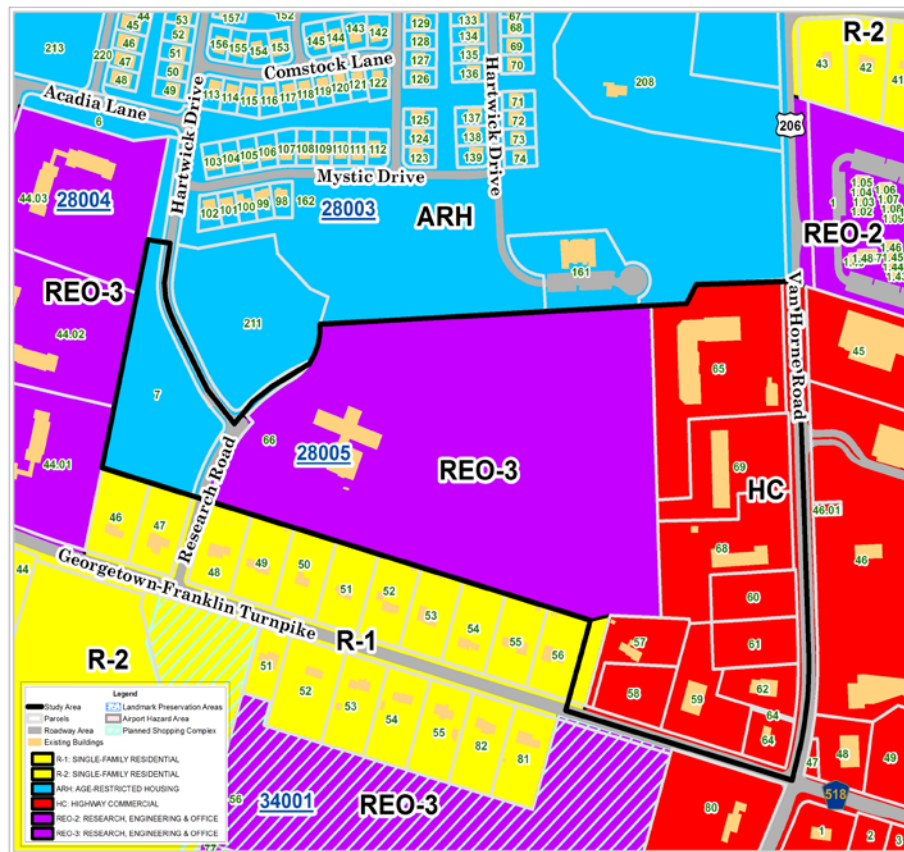
0 100 200 400 Feet

1" = 400'

## Existing Zoning & Land Use for Study Area & Surrounding Neighborhoods

The study area is within the “Rocky Hill Node” which contains a mix of non-residential uses, mostly retail and office, and higher density housing including single-family detached housing. It includes a portion of the commercial retail core of the Township located along Route 206 that is within the Highway Commercial (HC) zone, and also vacant property in the Research, Office & Engineering (REO) zoning district. Portions of the subject area are included in the Township’s current affordable housing plan summary and will be developed as “inclusionary developments”, which will contain dwellings affordable to low- and moderate-income families in addition to market-rate homes.

The area to the northwest of the study area is zoned Age-Restricted Housing (ARH) and contains 101 single-family age-restricted homes known as “Tapestry at Montgomery”. An assisted living facility on Lot 211 is also permitted but has not yet been constructed. The developer received Court approval to lift the age restriction on Phase 2 and has developed 112 single-family homes known as “Hillside at Montgomery” located along Mystic, McGovern and Hartwick Drives. A 27-unit affordable rental apartment building was required as part of the conversion and is located at the end of the Hartwick Drive. The area on the southern border of the study area includes 11 single family homes along the north side of Route 518 which are within the R-1 zone. The area to the west is zoned REO-3 and is an existing office park known as “Montgomery Professional Center” located on Vreeland Drive.

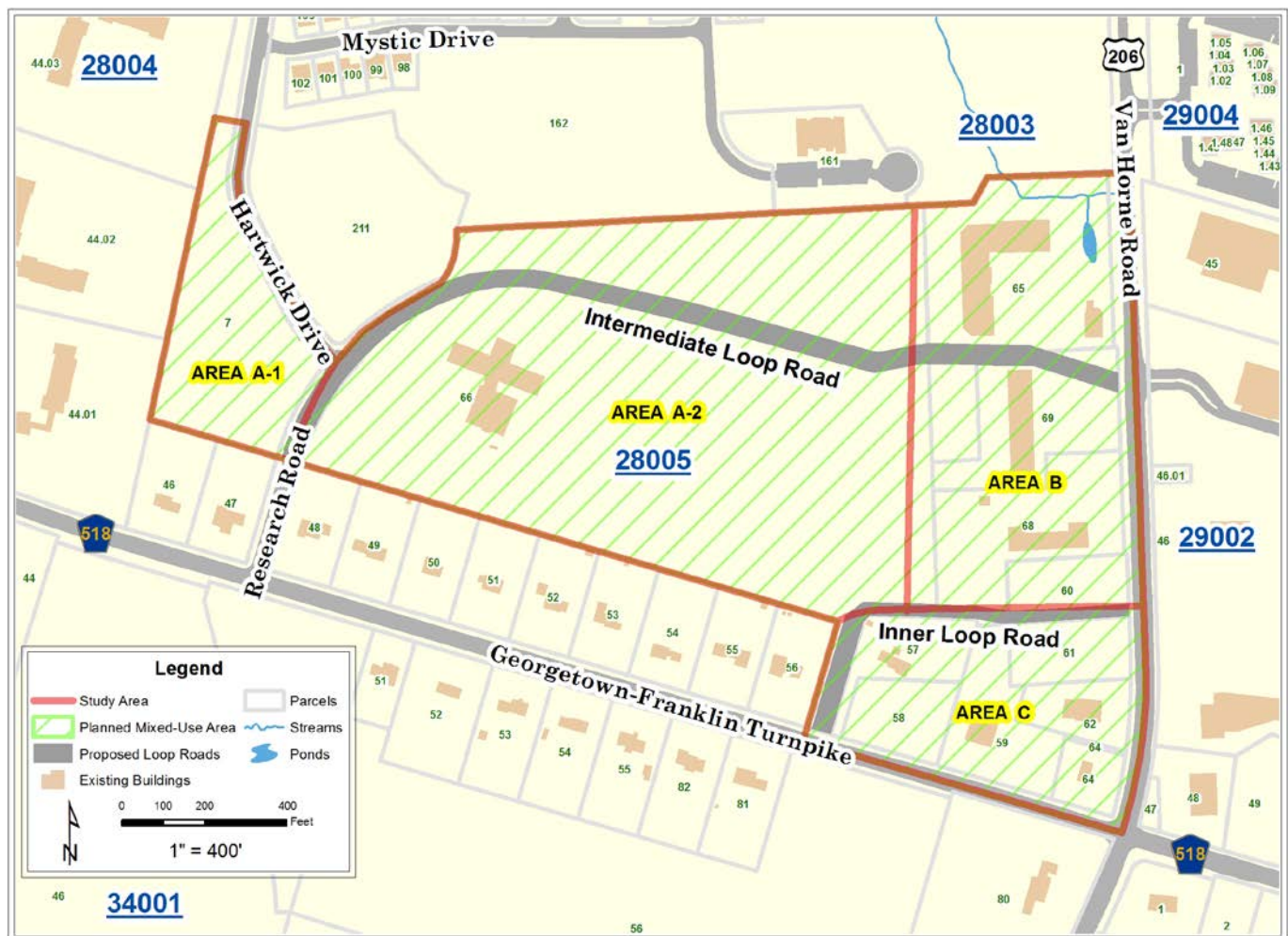




## Parcels to be Included in the Overlay Zone and Establishment of Subareas

The Planning Board's Master Plan Committee has concluded that the following parcels should be included in the overlay zone and separated into three (3) principal subareas as shown on the "Parcels Included in the Overlay Zone Identified by Sub-area" map:

1. Area A1 & A2 to contain Lot 7 in Block 28004 and Lot 66 in Block 28005 referred to as the "Sharbell" properties;
2. Area B to contain Lots 65, 68, 69 and a portion of Lot 60 in Block 28005 referred to as the "Pugliese" properties; and
3. Area C to contain Lots 57, 58, 59, 61, 62 and 64 in Block 28005 referred to as the "Corner" properties.



## Infrastructure

This area is adjacent to land that was previously examined in the 2003 Land Use Element where major land use changes were recommended based on recommendations in the 2003 Traffic Circulation plan element. Of the numerous loop roadways that were proposed, the two that are located within the study area, planned to relieve traffic pressures on the County Route 518 and NJ Route 206 intersection, have not yet been constructed. Development within the proposed overlay zone would help advance those improvements and provide significant traffic relief in this congested portion of the Township. The Township is in the process of acquiring Lot 60 in Block 28005, the former “PSEG Substation”, of which a portion is necessary for the construction of the “inner loop road” and the remainder will be included in the development.



The entire study area is within the Township Sewer Service Area. Areas A1 and A2 are served by the Skillman Village Wastewater Treatment Plant, as well as Lots 67 and 68 within Block 28005 (known as “Horowitz”) which is part of Area C (the “Corner Properties”). Area B and the remaining portion of Area C are within the Stage II Wastewater Treatment Plant.

There is also the opportunity for shared stormwater management between the subareas. Stormwater infrastructure will be coordinated and overseen by the Township through the review and approval of the redevelopment of the individual tracts within the study area.

## **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:

- #4. The Development Plan should strive to prevent the homogenous spread of suburban development throughout the municipality. Specific areas of the Township should be designated for specific types of residential and non-residential development. The rural and country atmosphere which prevails throughout most of the municipality should be maintained.
- #5. Recognizing the housing obligations of the municipality, but attempting to prevent sprawl and maintain a development mix balanced between residential and non-residential construction, the Development Plan should guide and contain the principal commercial and higher density residential development within the municipality to specific areas of concentrated land uses. One of these areas, referred to as the Rocky Hill node, currently exists along Route 206 near its intersection with Route 518. A second area, originally proposed in the 1974 "Housing Report", is situated within the Belle Mead area of the Township at the northern terminus of Route 206 north of Crusier Brook and Belle Mead-Griggstown Road, and is referred to as the Belle Mead node.
- #6. Between the two (2) nodes of concentrated development along Route 206, referred to as the Rocky Hill node and the Belle Mead node, the Development Plan should continue to prevent the evolution of strip commercial uses along Route 206.
- #8. The principal retail shopping facilities within the municipality should be provided within proximity to the two (2) nodes of concentrated residential development in order to avoid the proliferation of vehicular shopping trips.

## **Objectives for the Planned Mixed Use Developments**

In order to encourage the sound utilization of land and promote a strong sense of community in the vicinity of the commercial center of Montgomery Township at and nearby Route 206/Route 518 intersection, the "Planned Mixed Use Development" ordinance provisions are intended to facilitate the following objectives:

- 1. To encourage the redevelopment of abandoned, obsolete and/or underutilized properties located within the Route 206/Route 518 node of Montgomery Township to maximize the viability for economic development, including expanded retail and service opportunities in the Township, and compact, efficient multi-family housing to compliment the commercial development;
- 2. To encourage orderly and well-planned development at a scale and location so that it is feasible to construct a comprehensive package of supporting utilities, services and facilities, including new roadways, stormwater management systems, and associated

elements. The proposed development shall be served by public sanitary sewer and water system infrastructure;

3. To encourage orderly development of sites with sufficient frontage on existing or new major collectors or state or county highways to provide safe, efficient access and traffic circulation, and require orderly internal vehicular, bicycle, and pedestrian circulation;
4. To facilitate the provision of affordable housing in proximity to job opportunities, public transportation and shopping;
5. To implement planned thoroughfares and transportation routes which will promote the free flow of traffic;
6. To promote a desirable visual environment through creative development techniques and good civic design and arrangement; and
7. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening cost of such development and to the more efficient use of land.

### **Proposed Overlay Zone Concept Plan**

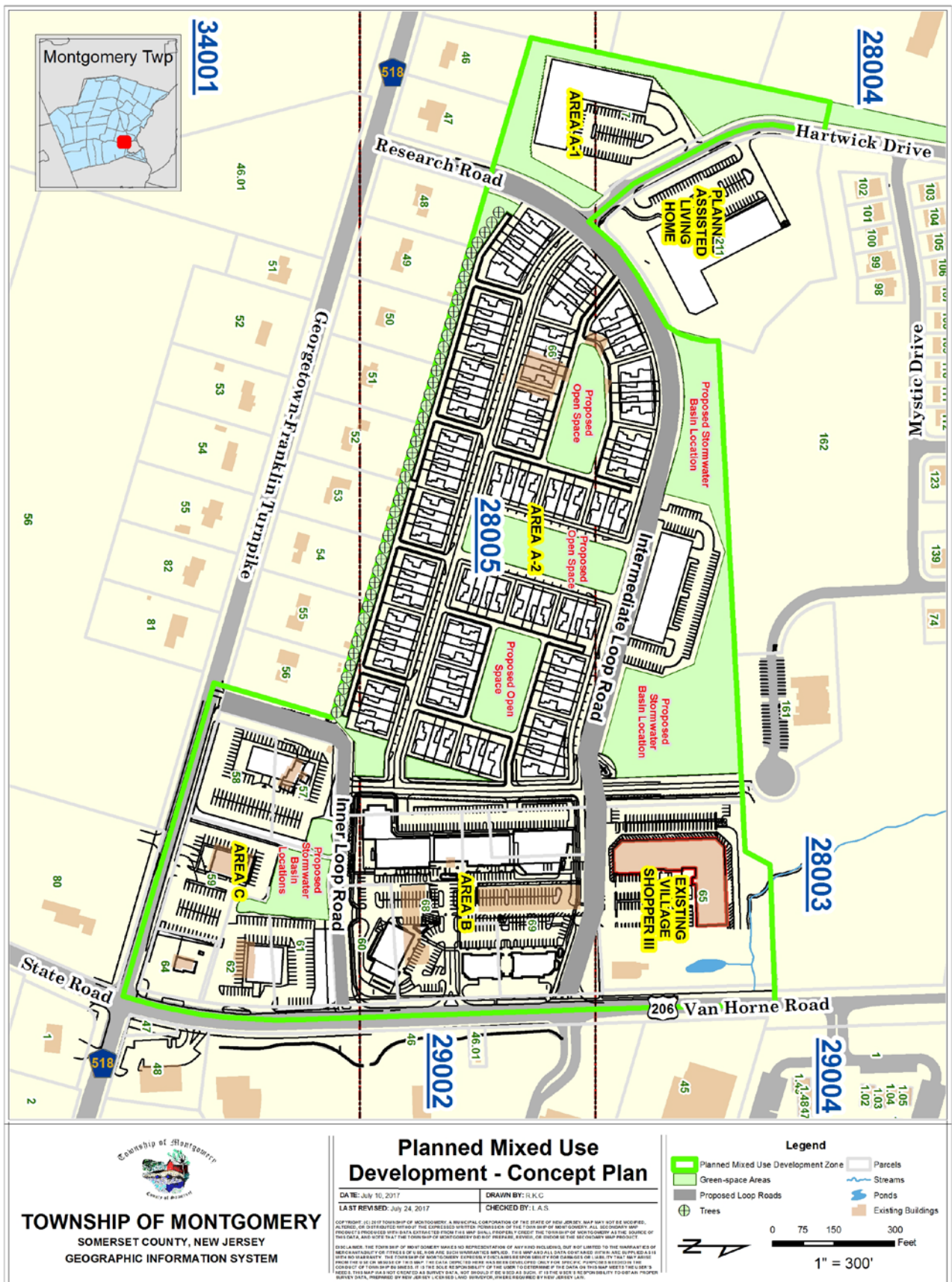
The overall conclusion, based on Master Plan Committee discussions and the information provided in this land use plan amendment, is that the overlay zoning district would permit the establishment of mixed-use land development combining various types of commercial, retail and office uses together with market-rate and non-age restricted affordable housing to allow a more diverse development pattern to occur on abandoned, obsolete and underutilized 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 NJ 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 a 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.”

The Township, with input from the property owners, has created a conceptual site plan entitled, “Planned Mixed Use Development Concept Plan” which, schematically, shows the layout and location of proposed residential areas, mixed-use areas, roadways, stormwater and open space. Area A-1 contains a multi-family three-story affordable housing apartment building; A-2 contains market rate townhomes with rear loaded garages on private alleys and a multi-family market rate residential building; Area B contains stand alone retail pad sites and a mixed use building with first floor retail and upper story residential with market rate and affordable rental apartments; and Area C contains a new mixed use development that is not yet fully conceptualized, but would have similar density and zoning standards as Area B. There is an understanding that the conceptual development plan of Area C is not as refined as Areas A and B.

The architecture of the residential and mixed-use buildings will be required to, substantially, reflect the attached building elevations. Although no precedential conceptual architectural rendering is included in this Land Use Plan Element, the market-rate multi-family apartment building shall be designed to be unified with the architecture of the townhouses in terms of materials, proportions, windows, roof planes, ornament and other exterior building elements. Additionally, the elevation of the building that faces the planned central open space shall relate to such open space through the articulation of a unique element, combination of elements and changes in such elements that are differentiated from the remaining areas of the façade.





## **VII. RECOMMENDATIONS REGARDING THE INCORPORATION OF REDEVELOPMENT PLANS**

Montgomery Township has taken the following actions regarding redevelopment planning, incorporation into the land use plan element of the master plan and/or changes to land development regulations to effectuate the redevelopment plans as permitted by New Jersey's Local Redevelopment and Housing Law (LRHL).

1. On December 5, 1996, the Township Committee adopted Resolution #96-12-287 declaring Lot 16 within Block 23001, the former "Ingersoll Rand" facility, as an area in need of redevelopment. In April 1998, the Planning Board adopted a Reexamination Report with a redevelopment plan for the property. On April 15, 1999, the Township Committee adopted Ordinance #99-962 establishing zoning regulations for a Continuing Care Retirement Community (CCRC). On November 10, 1999, the Township Committee adopted Resolution #99-11-374, authorizing the sale of the property to Presbyterian Homes. The CCRC known as "Stonebridge at Montgomery" has been completed in accordance with the plan.
2. On January 16, 1997, the Township Committee adopted Resolution #97-1-35 declaring Lot 1 within Block 26001, the former "North Princeton Developmental Center", as an area in need of redevelopment. It was supplemented on February 20, 1997 with Resolution #97-2-55. In 2005, the Planning Board adopted a "Redevelopment Planning Framework & Guidelines for the Core Portion of the North Princeton Developmental Center Property - To Be Known as Skillman Village." The Township solicited development proposals based upon the development plan included within the Master Plan document, but none were submitted because of a turn-down in the economy. In 2011, the Township sold a majority of the property to Somerset County for use as County parkland. The Township retained parcels including Lot 7.02 in Block 27001 containing the Township's Skillman Village Wastewater Treatment Plan and Lot 1.08 in Block 26001 containing 6 acres which formerly contained the "Maplewood House" which was destroyed by fire in 2012 and remains vacant and unrestricted. A third parcel was retained by the Township, Lot 1.07 in Block 26001, was sold to Allies Inc. for the renovation of the existing "Pine Knoll" house to be used as a group home and for which the Township will receive affordable housing credits.
3. On June 15, 2006, the Township Committee adopted Resolution #06-6-154 directing the Planning Board to conduct a preliminary investigation to make a determination regarding a redevelopment area for the former "Texaco Station" property, Lot 64 within Block 28005 (previously known as Block 28003) located at 1276 Route 206. In 2015, the Zoning Board approved a Site Plan and Use Variance for Dunkin' Donuts with drive-thru, however, the Applicant has been unable to obtain all outside agency approvals, including New Jersey Department of Transportation. The property remains in a state of deterioration.
4. On February 14, 2016, the Township Committee adopted Resolution #16-2-51 directing

the Planning Board to conduct a preliminary investigation to make a determination as to whether Lots 12 & 16 within Block 6001 should be declared an area in need of redevelopment. The property comprises 31.23 acres and is located at 2261 Van Horne Road (Route 206). The property is owned by Montgomery Township and includes the existing municipal building, parking areas, salt dome, driveways, a road, dog park, vacant unrestricted land, and vacant Green Acres restricted land. That process is proceeding.

5. On July 5, 2017, the Township Committee adopted Resolution #17-7-161 directing the Planning Board to conduct a preliminary investigation for Block 34001, Lots 60, 61 & 62 located at 980, 966, and 968 State Road (Route 206). That process is proceeding.

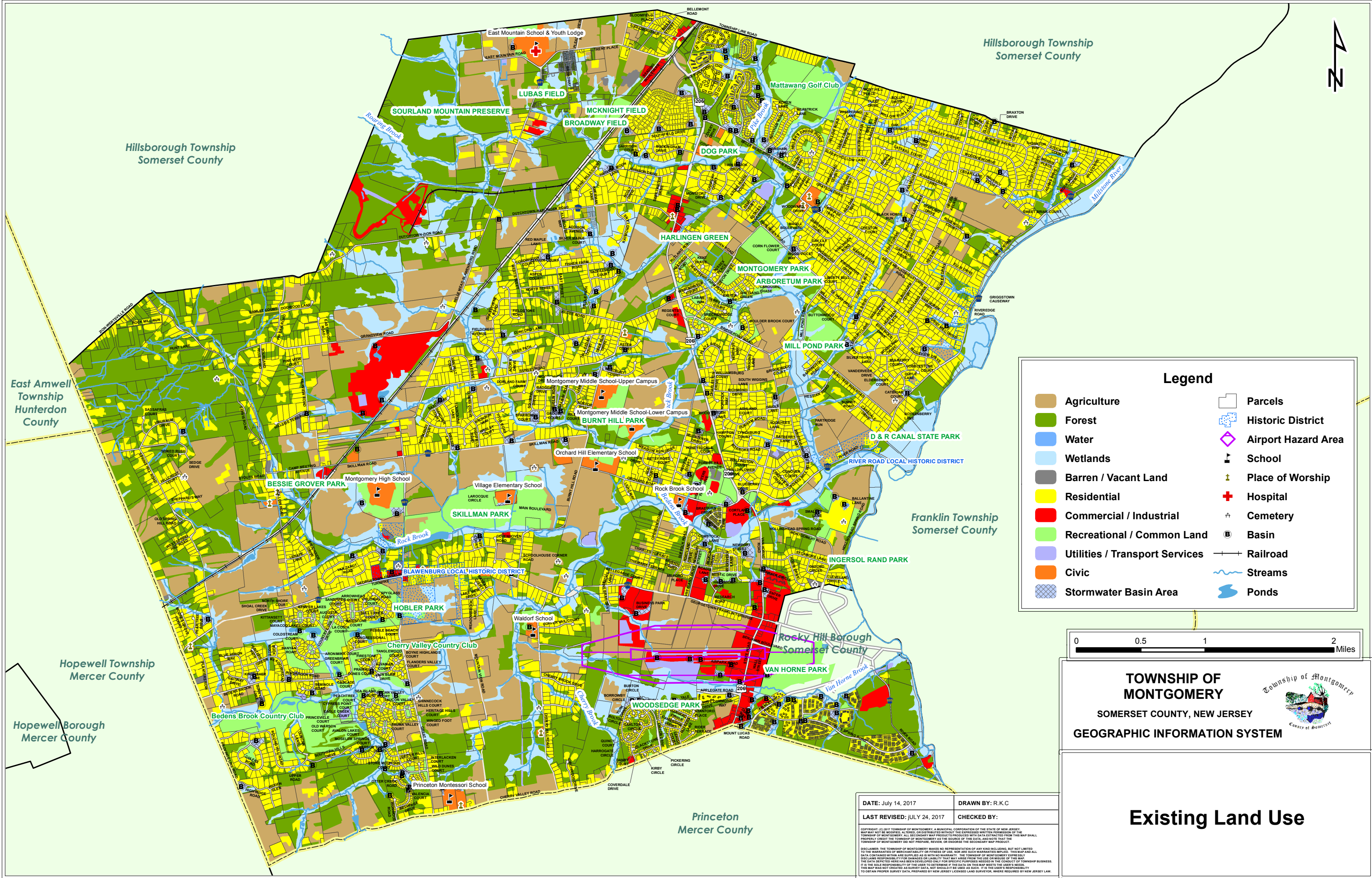
The following additional locations have been identified for investigation to determine if conditions are present for designating a redevelopment area.

6. The vacant former “Bank of America” located at 2486 Van Horne Road (Route 206) identified as Lot 20 within Block 3005, should be investigated. The property has been vacant for many years, and is highly visible at the northern gateway to Montgomery Township.
7. The vacant former “Princeton Gamma Tech” facility located at 1026 Route 518 and identified as Lots 49 & 50 within Block 29002, should be investigated. The property includes the former site of a commercial and industrial facility that fell into disuse and was abandoned. The building was dilapidated for many years until it was purchased by PRL Rocky 518 LLC, Bryce Thompson principal owner, who renovated the building in 2007. The roof partially collapsed in 2011, and the building was once again vacant. The property sold in 2015, but continues to be a vacant eyesore. The property is highly visible, situated at the eastern gateway to Montgomery Township.



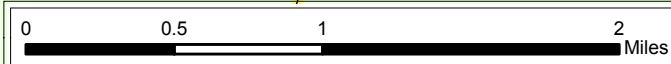
## APPENDIX A

### Existing Land Use Map




**Legend**

Agriculture	Parcels
Forest	Historic District
Water	Airport Hazard Area
Wetlands	School
Barren / Vacant Land	Place of Worship
Residential	Hospital
Commercial / Industrial	Cemetery
Recreational / Common Land	Basin
Utilities / Transport Services	Railroad
Civic	Streams
Stormwater Basin Area	Ponds



**TOWNSHIP OF MONTGOMERY**  
SOMERSET COUNTY, NEW JERSEY  
GEOGRAPHIC INFORMATION SYSTEM



DATE: July 14, 2017	DRAWN BY: R.K.C
LAST REVISED: JULY 24, 2017	CHECKED BY:
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**Existing Land Use**

## APPENDIX B

### Sample Building Elevations



Area A-2 Sample Townhomes with Rear Loaded Garages







SOUTH ELEVATION

SCALE: 3/32" = 1'-0"



NORTH ELEVATION

SCALE: 3/32" = 1'-0"

SCALE: 3/32" = 1'-0"  
#14051  
MARCH 31, 2011  
APRIL 13, 2011

A-4





WEST ELEVATION

SCALE: 3/32" = 1'-0"



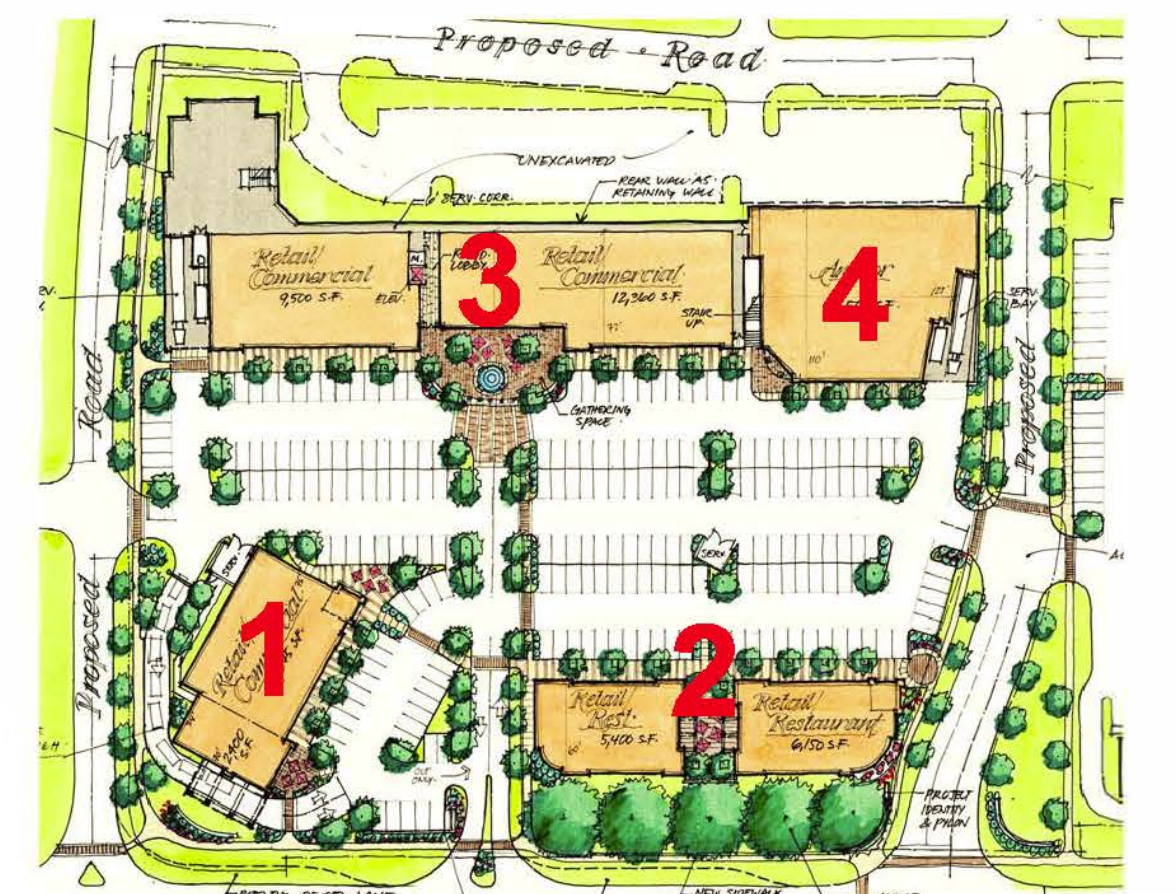
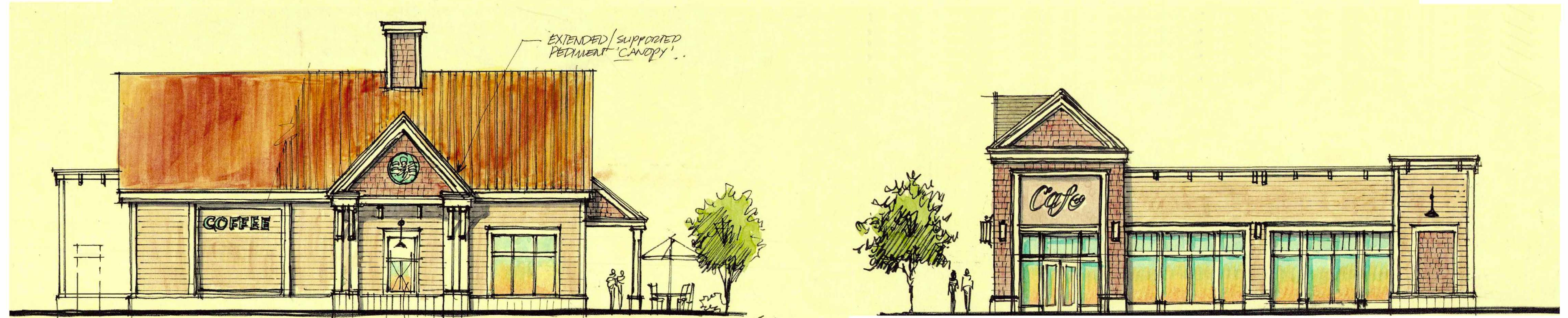
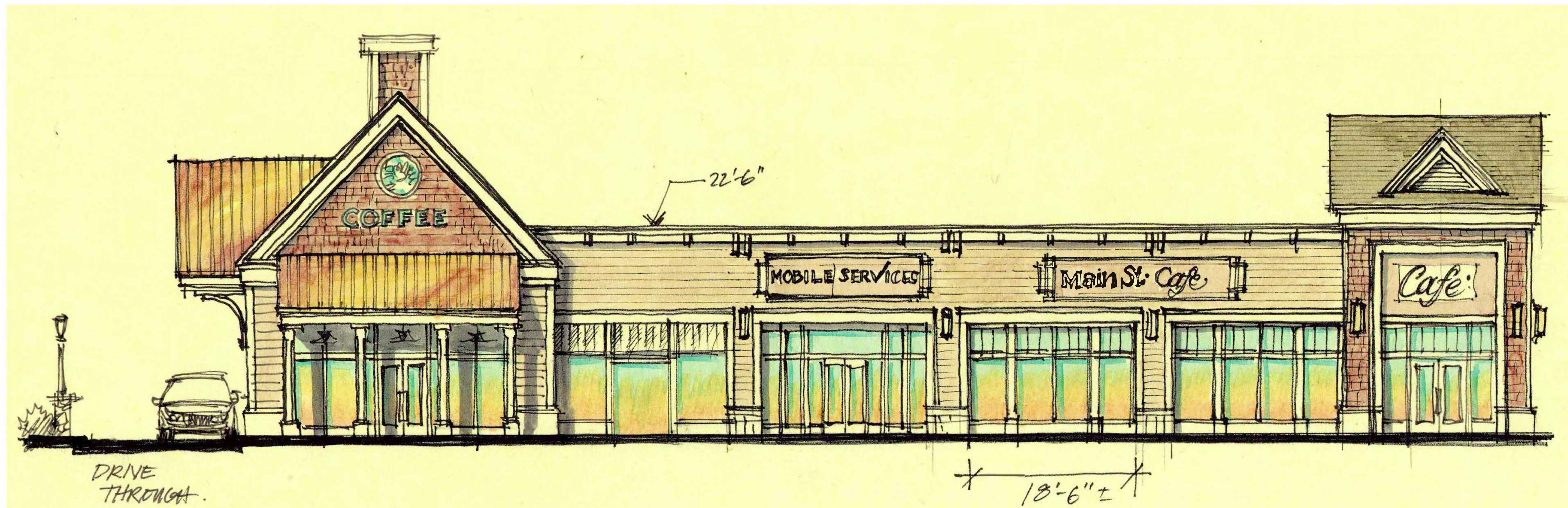
EAST ELEVATION

SCALE: 3/32" = 1'-0"

SCALE: 3/32" = 1'-0"  
#14051  
MARCH 31, 2017  
APRIL 13, 2017

A-5





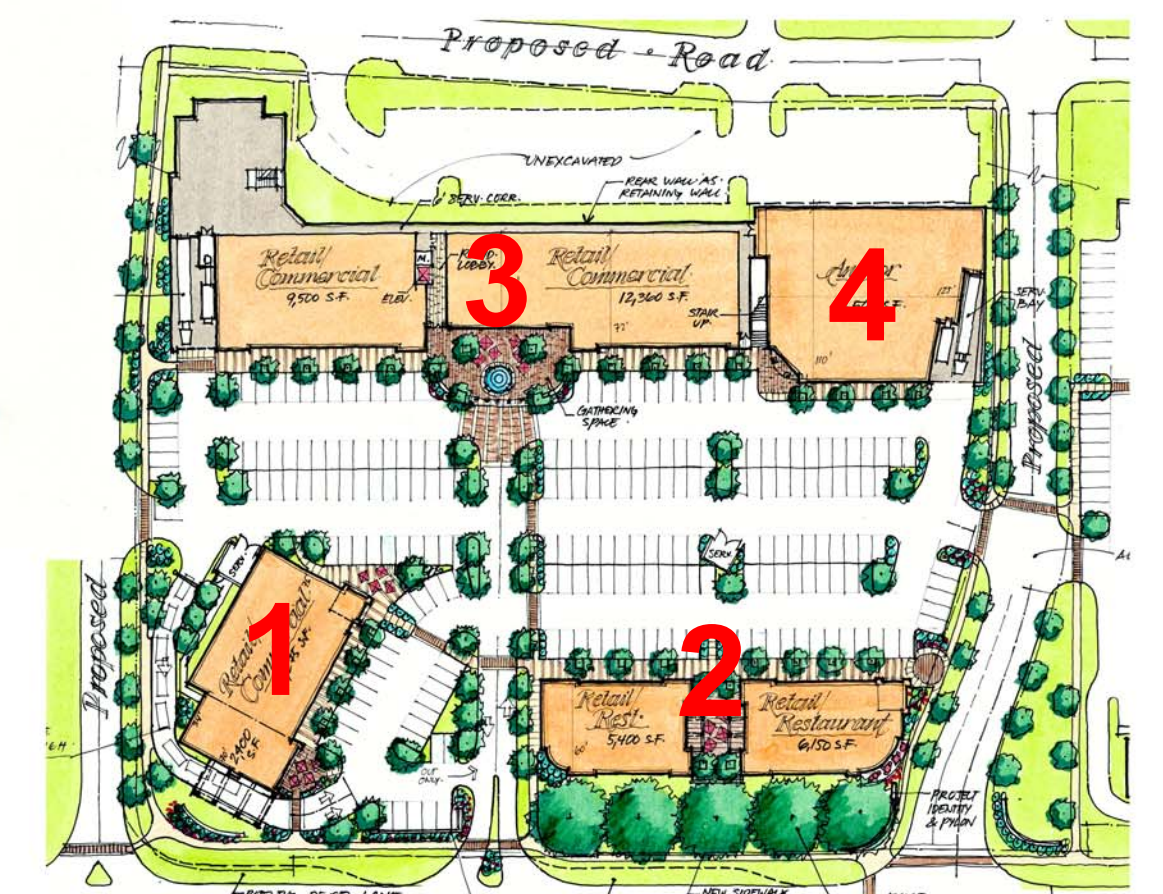
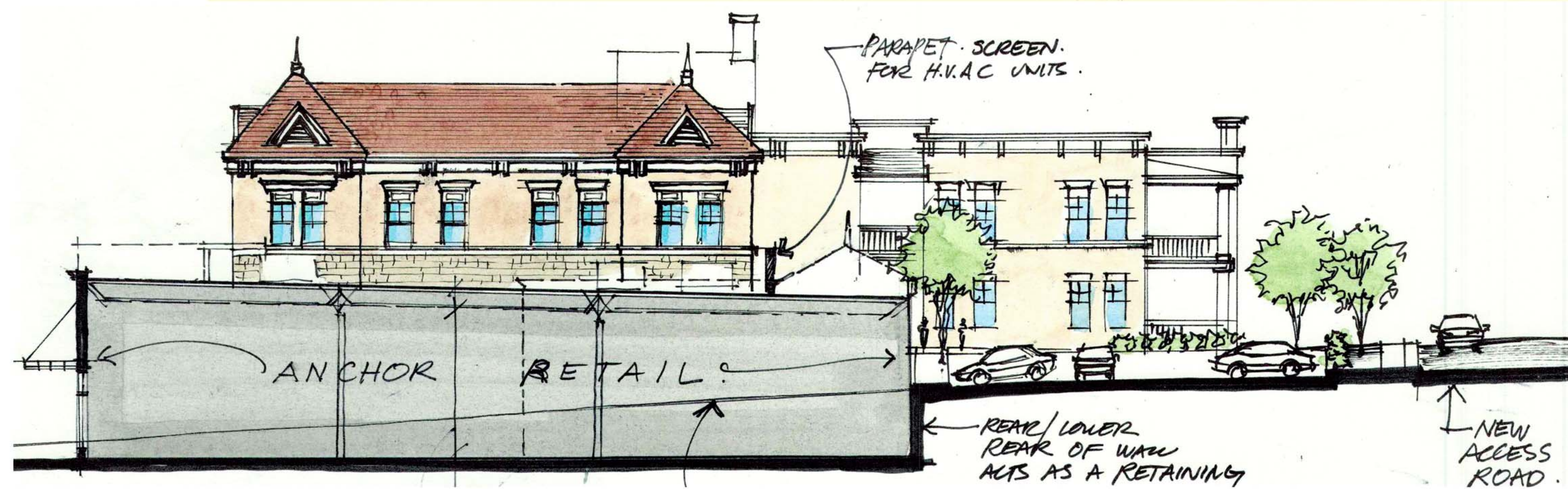
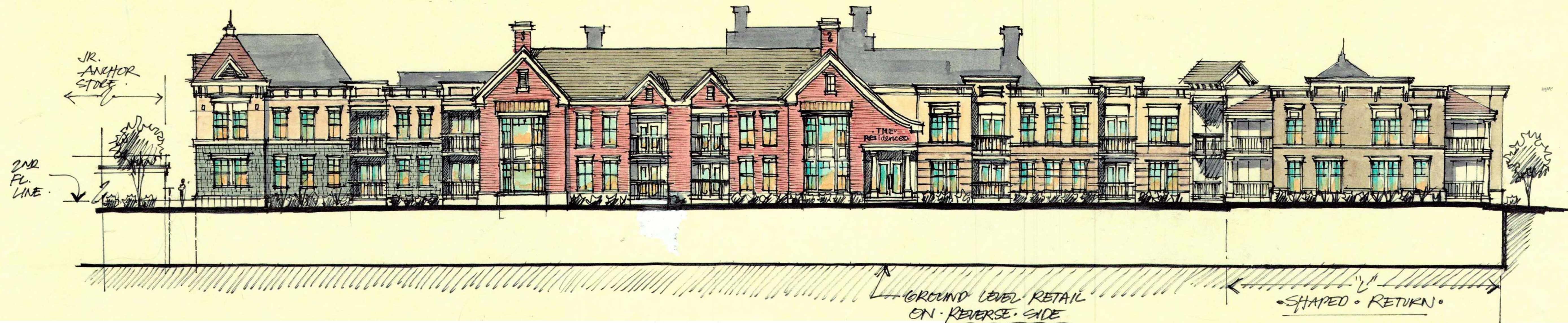
**BUILDING 1**











**BUILDING 3**

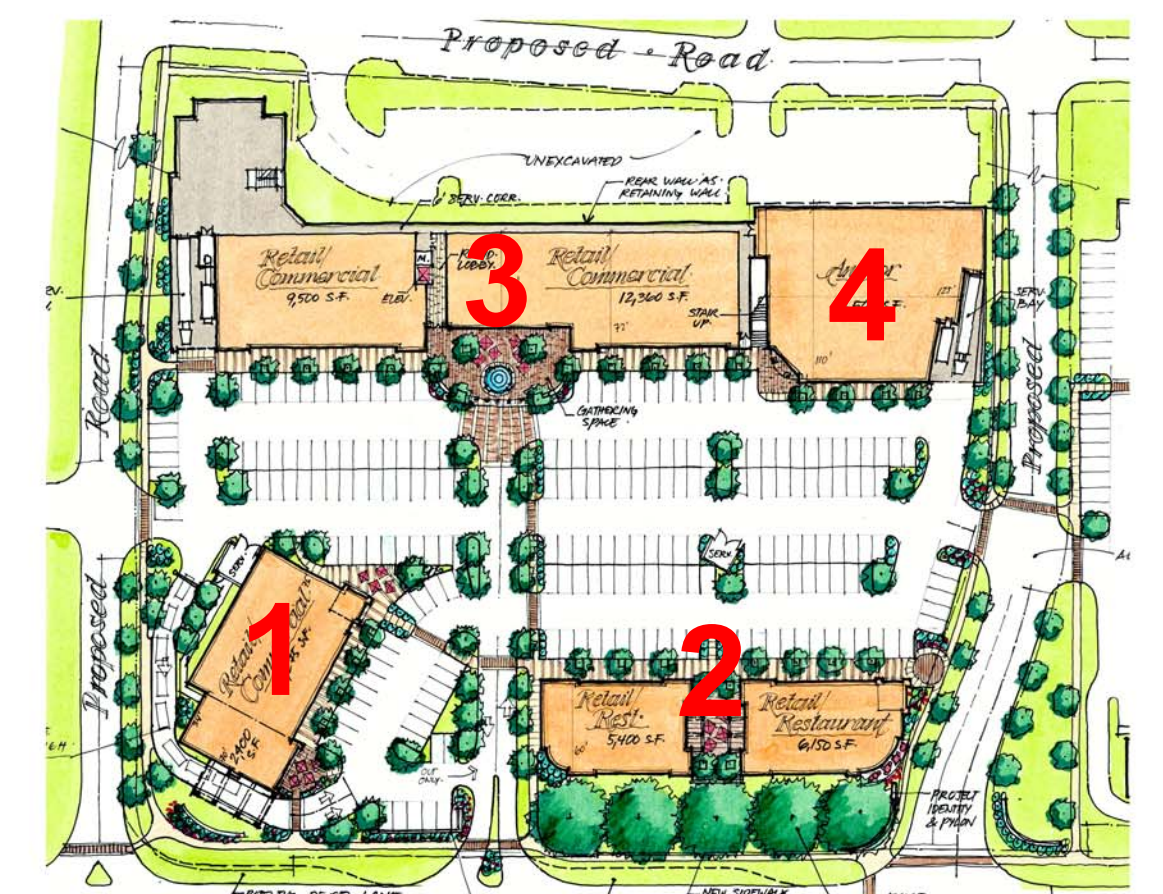
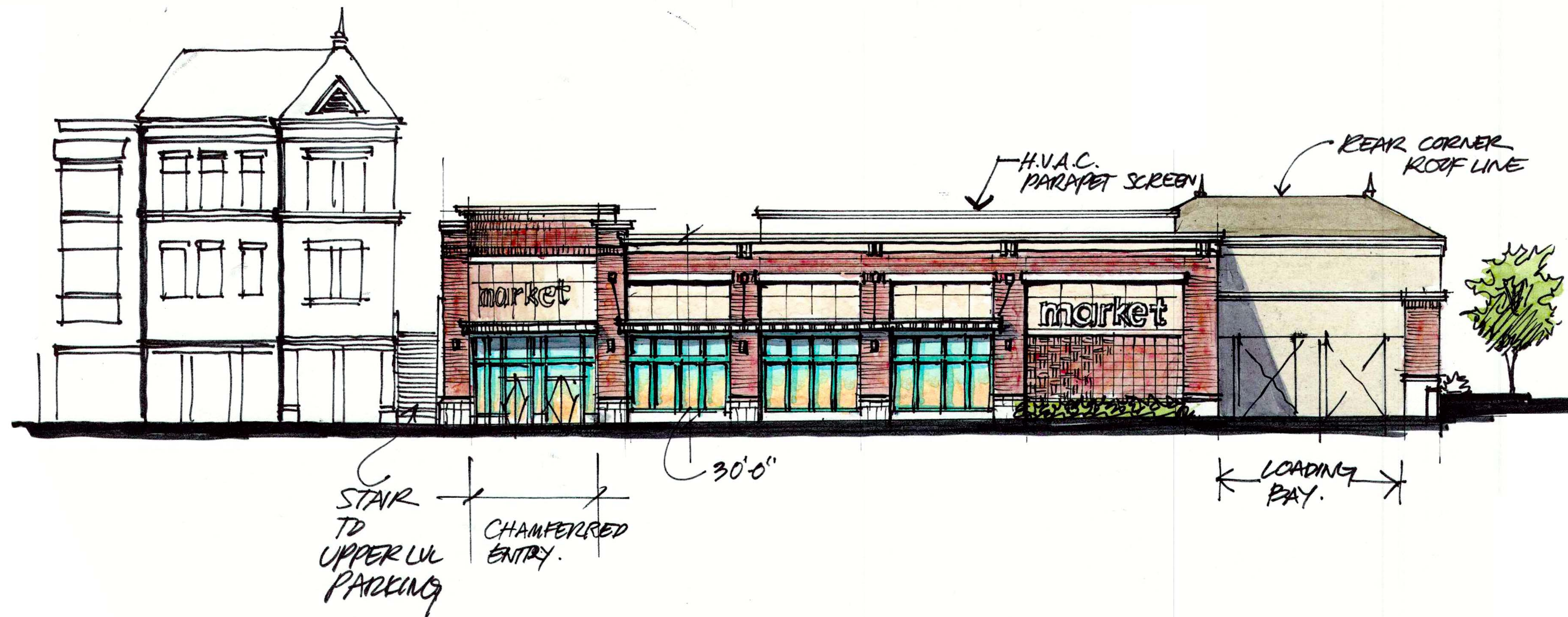
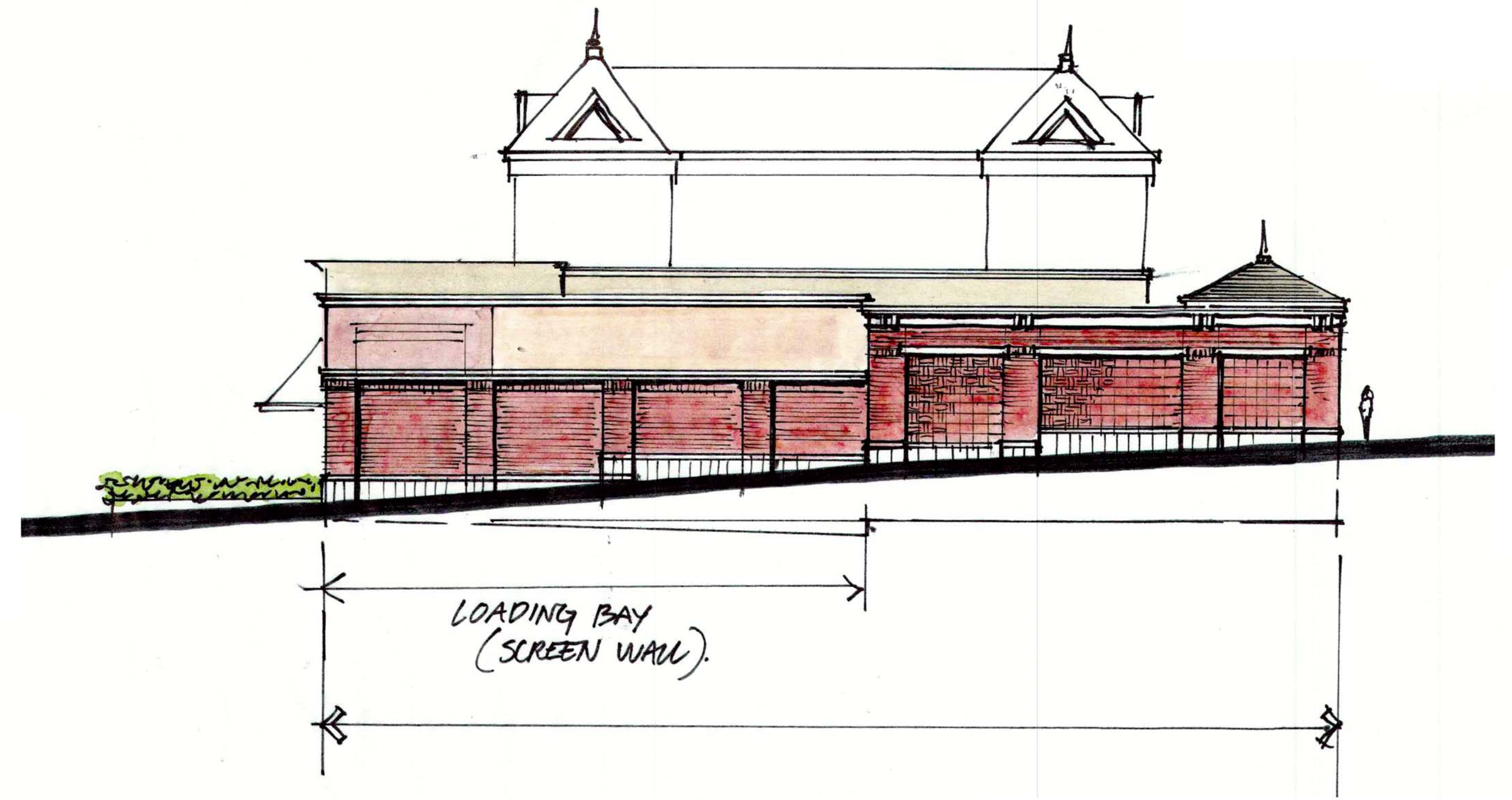
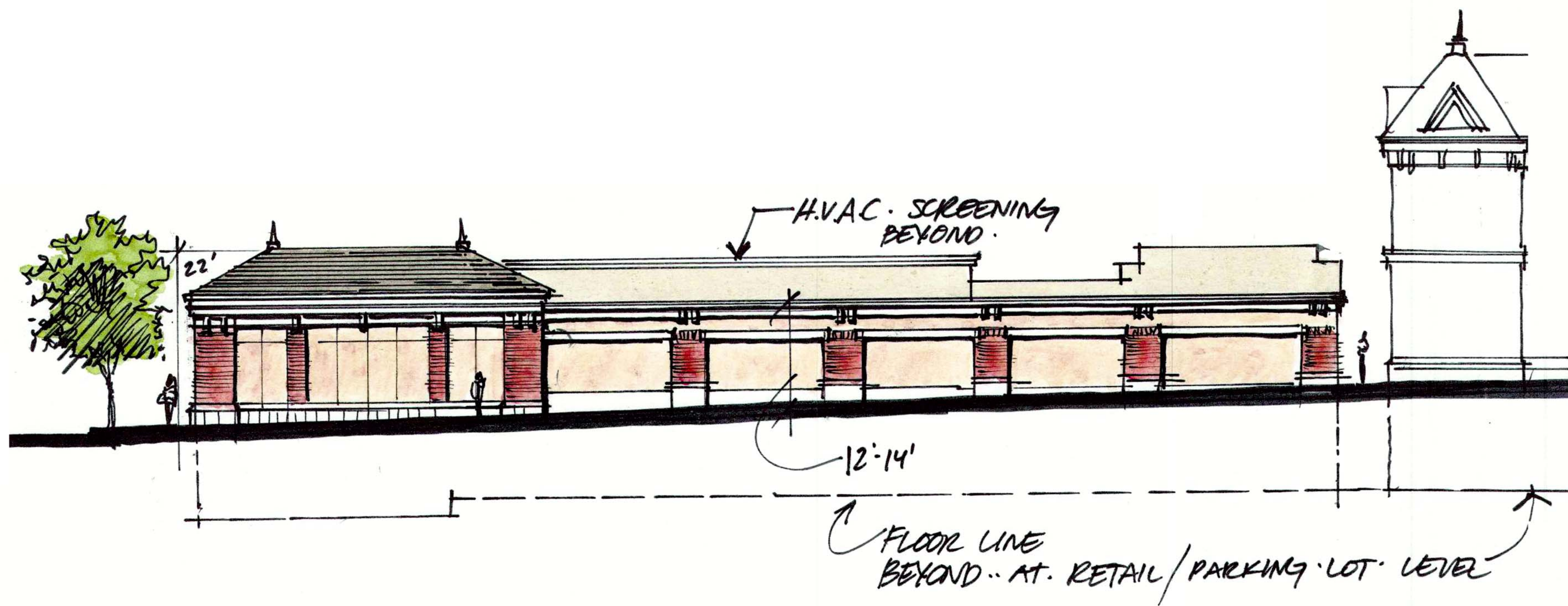


**MICHAEL V. TESTA**  
ARCHITECT

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MYARCHITECT.COM







**BUILDING 4**



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