

Hillsborough Lit.

1-5-96

Letter re: summarize fair share of twp.

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January 5, 1996

Mr. Herbert Simmens, Director
 Office of State Planning
 CN 204
 Trenton, NJ 08625-0204

Dear Mr. Simmens:

This letter is to summarize the discussions that have ensued over the last several months on a site in Hillsborough Township, Somerset County that is meeting a fair share obligation.

Hillsborough Township was originally granted substantive certification by the Council on Affordable Housing (COAH) on June 6, 1987 with a fair share number of 194. Hillsborough has now petitioned to address its second round precertified need of 482 units: 21 rehabilitation and 461 inclusionary. There was one objector to the plan.

In developing its second round housing plan, Hillsborough has the following credits and reductions:

79	RCA with Phillipsburg
56	Family rentals (Crestmont Hills)
35	Family rentals (Heritage Green)
<u>91</u>	Rental bonus credits
261	Total

Hillsborough is also eligible to receive substantial compliance credits because all of the 91 units that were to be constructed in Hillsborough during its first round certification meet COAH's criteria. As a result, Hillsborough has a further reduction of 40 units. Therefore, Hillsborough has a second round calculated need number of 181: 21 rehabilitation and 160 inclusionary.

Hillsborough has an existing municipal rehabilitation program which will rehabilitate the deficient units. As to the 160 units, Hillsborough is proposing to address the inclusionary component in an existing Planned Adult Community/Health Care Facility Development Plan (PAC/HCF).



The 742-acre site zoned for approximately 11,000 units received a General Development Plan approval on December 19, 1991. This approval predates the State Development/Redevelopment Plan (SDRP) which was adopted in June 1992.

The site was zoned in response to the needs of an aging population. It is within walking distance of the municipal complex, the library, police department and YMCA. The site design calls for separate but interrelated residential neighborhoods, linked open spaces, recreation facilities, health care facilities and retail shops.

Public water service will be provided by the Elizabethtown Water Company and the entire tract is within the sewer service area of the Hillsborough Township Municipal Utility Authority. The tract is part of a 208 plan amendment currently under review by the New Jersey Department of Environmental Protection (DEP).

The township is proposing that the 160-unit inclusionary obligation be located within the PAC/HCF. Hillsborough is proposing 96 units of age-restricted housing and 40 units of family rentals.

Hillsborough has indicated that there is a firm commitment by the developer to build the affordable units and as a result, Hillsborough may receive 24 additional credits for the family rental units. This addresses Hillsborough's inclusionary obligation.

The PAC/HCF tract is located predominantly in Planning Area 4 and partially in Planning Area 2. According to N.J.A.C. 5:93-5.4(c), when a municipality designates an inclusionary site in Planning Areas 4 or 5, COAH shall require the inclusionary development to be located in a designated center. Hillsborough is requesting a waiver from the center designation requirements on the PAC/HCF tract. Hillsborough offers the following reasons for the waiver request.

1. The PAC/HCF development received "General Development Plan" approval from the Hillsborough Planning Board on December 19, 1991 which was before the SDRP was adopted in June 1992. It is included as a "Planned Village" on the Resource Planning and Management Map of the SDRP and both public water and sewerage treatment facilities are available to the subject tract.
2. The Somerset County Planning Board has included the PAC/HCF tract in the county's overall wastewater management plan. The 208 plan was submitted to DEP in September 1994 and the review is proceeding with approval expected in 1996 according to the township. Upon DEP approval, sanitary sewer lines of the Hillsborough Township Municipal Authority will carry sewerage from the tract to the Somerset Raritan Valley Authority Regional Wastewater Treatment Plant in Bridgewater Township.

3. The site is available, approvable, suitable and developable as defined in N.J.A.C. 5:93-1.3 and meets all other COAH criteria for an inclusionary development.
4. Hillsborough supports the 3,000 unit development.

According to COAH policy (see attached Exhibit A), for new sites that are meeting a 12-year obligation, COAH will entertain a waiver to the center designation requirement when a site in Planning Areas 4 or 5 is jointly proposed by the municipality and the developer; has water and sewer, and is available, approvable, suitable and developable pursuant to COAH regulations.

COAH is asking that the Office of State Planning (OSP) review and support the request and asks that OSP consider the following in its review:

1. The General Development Plan was approved in 1991 prior to the adoption of the SDRP;
2. The site is in both Planning Area 2 and Planning Area 4;
3. Existing infrastructure can be easily extended to the site as it is currently within close proximity;
4. Cross acceptance is to begin in 1996 and a mapping change to designate the tract as Planning Area 2 will be proposed by the owner/developer and endorsed by resolution of the Hillsborough Township Council;
5. The tract is on the western fringe of the already developed portions of Hillsborough Township to the west of Route 206 and is within walking distance of the municipal complex;
6. The 11,130 potential residential units that theoretically could be developed have now been reduced to 3,000 total units;
7. The Hillsborough Township Planning Board has indicated its endorsement of the 3,000 units in the PAC as reflected by a resolution adopted December 7, 1995 that amends the General Development Plan to reflect the 3,000 units;
8. A 208 plan amendment has been filed with DEP and is moving through the DEP review process;
9. The request meets the COAH policy directive that was articulated at the December 7, 1994 COAH meeting. The policy states that COAH will entertain a waiver to N.J.A.C. 5:93-13.4 and permit a joint request by a municipality and developer to include a site as meeting a fair share obligation if a site in Planning Areas 4 or 5 has water and sewer capacity and accessibility and is determined to be available, approvable, suitable and developable but does not have center designation;
10. OSP has been supportive of a similar request by Medford Township/Burlington County;

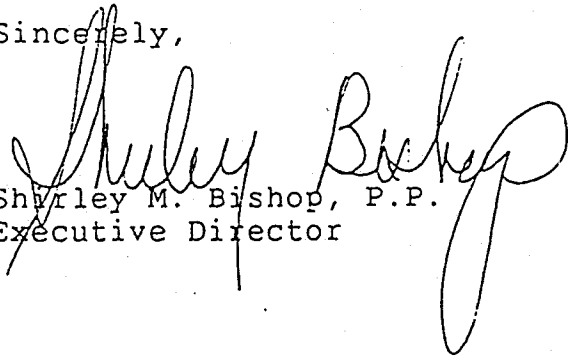
11. Hillsborough filed a petition for substantive certification in a timely manner and did not wait the full two years; as a result, COAH would not grant a builder's remedy or site specific relief to an objector.

In addition to the above reasons, COAH directs OSP's attention to Basic Principle No. 10 in the Memorandum of Understanding between COAH and the New Jersey State Planning Commission. Basic Principle No. 10 states that "Municipalities that are consistent with the State Plan's goals, objectives and policies, and that petition the Council within two years of filing a housing element with the Council, will receive the benefit of maximum flexibility with respect to Council certification..."

COAH has given "appropriate weight" to this request, is supportive and requests OSP's written concurrence that a map change to reflect Planning Area 2 would be appropriate and endorsed by OSP during the upcoming cross acceptance period. COAH awaits a favorable response and is appreciative of the ongoing dialogue and communication between our agencies.

If you have any questions, please call me at (609) 292-3000.

Sincerely,



Shirley M. Bishop, P.P.
Executive Director

cc: Commissioner Harriet Derman
and COAH Members
Monica Etz, COAH Planner
William Malloy, DAG
Charles Newcomb, OSP
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