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1-31-96

Letter re: request for center designation  
waiver for Hillsborough.

(Attachment 2)

Pgs. 4

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**ATTACHMENT 2**



*State of New Jersey*

DEPARTMENT OF THE TREASURY

OFFICE OF STATE PLANNING

CN-204

TRENTON NJ 08625-204

CHRISTINE TODD WHITMAN  
Governor

BRIAN W. CLYMER  
State Treasurer

January 31, 1996

**RECEIVED**

FEB 2 1996

**COUNCIL ON AFFORDABLE HOUSING**

Ms. Shirley Bishop  
Executive Director  
Council on Affordable Housing  
CN 813  
Trenton, New Jersey 08625

RE: Request for Center Designation Waiver for Hillsborough Township.

Dear Ms. Bishop:

I am writing in response to your letter of January 5th, which informs the Office of State Planning (OSP) that Hillsborough Township has requested a waiver of center designation from COAH for its planned adult community and health care facility development project (PAC/HCF). You also indicate that the Council on Affordable Housing is supportive of this waiver request. Under the policies agreed to by COAH and the Office of State Planning, any waiver request would be referred to OSP for comment prior to final COAH action. This letter contains my comments and recommendations regarding this waiver request.

As you know, the relationship between COAH and the State Plan is based on statute, regulation, a Memorandum of Understanding and policy. The intent of these linkages is clear: to insure that the allocations made by COAH take due consideration of the State Plan's Resource Planning and Management Structure and that affordable housing be located in compact "centers" to the greatest extent possible.

In Planning Areas 4 and 5, our common intent is to locate affordable housing in centers where infrastructure exists or is planned and where a variety of public services is easily accessible to residents of affordable housing.

I have reviewed the plans for the PAC/HCF and have met with you and your staff, township officials and the developer. I have also toured the site and the surrounding region.

While I am quite troubled by the loss of farmland which would result from the construction of the PAC/HCF at this site, I do not formally object to COAH action to waive center designation for this project. This conclusion is based on the following facts and circumstances.

1. The proposed PAC/HCF is located largely in Planning Area 4 with a small portion (5 percent) located in Planning Area 2. State Plan policy 20 (p28) states that "In instances where municipalities and counties identify a center at the intersection of

two or more planning areas a center will be designated as lying within the planning area of lowest numerical value." Therefore any center designation for the PAC/HCF would be looked at under the Planning Area 2 policy objectives and criteria. Under the Memorandum of Agreement between COAH and the SPC, sites in Planning Area 2 are not required to be located in designated centers.

2. "Hillsborough Village Square" is identified as a planned village in the State Plan.

3. The general development plan for the PAC/HCF was given initial approval in 1991, prior to the adoption of the State Plan.

4. The proposed extension of sewer infrastructure, if approved by the Department of Environmental Protection, would not extend very far beyond existing sewer infrastructure.

5. The request to include this site as part of the Township's fair share obligation is made jointly by the developer and the municipality.

6. The representation in your letter that COAH rules regarding the timely filing of a petition for substantive certification by Hillsborough would preclude the granting of a builders remedy or site specific relief to an objector by COAH.

7. The Principle in the COAH /OSP MOU which 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."

8. The vigorous plan for acquisition of open space and easements by the Township, Somerset County, a neighboring community in Hunterdon County, and Hunterdon County. Consistent with the intent of Planning Area 4 these acquisitions will serve to create an open space green belt including much of the undeveloped lands in proximity to the PAC/HCF.

9. If a center designation petition were filed, I believe a reasonable case could be made that the project could meet many of the criteria for center designation, particularly if incorporated into a somewhat larger community development area. The PAC/HCF appears to meet many of the policy objectives of Planning Area 2. The PAC/HCF is consistent with many of the design characteristics of a planned village, including a range of housing types, sufficient density (well in excess of 3 dwelling units per net acre) and intensity of use, a pedestrian oriented commercial core and green, and adequate internal pedestrian linkages. Commercial and health care related employment is accommodated. The project is identified in local and county plans. Adequate transportation capacity would have to be demonstrated.

The age restricted nature of the great majority of the proposed development is, however, problematic. The State Plan does not explicitly address age restricted centers. While this issue needs to be addressed by the SPC, I believe it should be addressed as part of the preparation of the next preliminary State Plan, not at the time of this waiver request. In this way, age restricted housing will be reviewed in the context of a full State Plan review and any policies recommended will be subject to cross-acceptance review.

It is important to emphasize that my recommendation is based on weighing all the factors involved in this issue and that no single factor is sufficient to be

determinative. For example, the fact that a development was approved prior to the adoption of the State Plan would not on its own be sufficient justification to support a waiver, nor would the fact that it was identified as a planned village nor that the town and the developer were jointly agreeing on the site. Therefore, my conclusion concerning this request for a center designation waiver should not be viewed as a precedent for a future waiver request by any other municipality.

A waiver of center designation precludes the formal opportunity to engage in an intergovernmental dialogue between the State, County and the Township. The waiver also precludes the higher funding and permitting priorities provided for centers. In lieu of the center designation process I would request that COAH condition its approval of the center designation waiver on the following actions:

a. A request by the Township for a consistency review of its master plan by OSP. This will lead to a determination of the areas of consistency between the local master plan and the State Plan, as referred to in number 7 above. A consistency review is an advisory report and has no regulatory consequences.

b. OSP would expect the opportunity to be fully involved in the PAC/HCF design review process and to have its comments given appropriate consideration by the developer and the Township. This should not be construed as suggesting that OSP is seeking or would be given any authority over design decisions or approvals granted by the Township or other agencies.

OSP intends to participate in discussions with appropriate agencies regarding the extension of sewer infrastructure and the adequacy of the transportation system in the area to insure that those decisions are made in ways compatible with the policies in the State Plan to the greatest degree possible.

Subject to our discussions with the Department of Environmental Protection, the Department of Transportation, Somerset County and other agencies regarding the adequacy of current or proposed infrastructure improvements, the Office would recommend to the State Planning Commission that areas encompassing and immediately surrounding the PAC/HCF be given consideration by the State Planning Commission for redesignation as Planning Area 2.

Thank you for this opportunity to comment on the Hillsborough center designation waiver request. If you have any questions please contact me at 292-3155.

Sincerely,

*Herb Simmens*

Herbert Simmens  
Director

HS:meh

c State Planning Commission Members  
Charles P. Newcomb, Assistant Director  
Receptionist/Chron.