

Hillsborough Litigation

8/25/97

Certification of David W. Trombadore
in support of motion to intervene (6)
+ exhibit A - ~~CD~~ TJ

pg 222

HI 000051V

SUPERIOR COURT OF NEW JERSEY
 DEPUTY CLERK
 97 AUG 25 AM 11:24

TROMBADORE, SEEL & TROMBADORE
 A Professional Corporation
 33 East High Street
 Somerville, NJ 08876
 908-722-7555
 Attorneys for Friends of Hillsborough, Inc.

U.S. HOME CORPORATION and,
 HILLSBOROUGH ALLIANCE FOR
 ADULT LIVING, L.P.,

Plaintiffs,

vs.

TOWNSHIP COMMITTEE OF THE
 TOWNSHIP OF HILLSBOROUGH in the
 County of Somerset,

Defendant.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION
 SOMERSET COUNTY
 DOCKET NO. SOM-L-1239-97 PW

Civil Action

CERTIFICATION OF
 DAVID W. TROMBADORE
 IN SUPPORT OF MOTION
 TO INTERVENE

I, DAVID W. TROMBADORE, of full age, certify as follows:

1. I am a member of the law firm of Trombadore, Seel & Trombadore, attorneys for movant Friends of Hillsborough, Inc. ("Friends").

2. I make this certification in support of the Motion for Leave to Intervene brought on behalf of Friends.

3. Beginning in May of this year, I have made formal request of the Hillsborough Township Committee, the Hillsborough Planning Board, the Hillsborough Municipal Utilities Authority ("MUA") and the Somerset County Planning Board pursuant to the New Jersey Right to Know Law, N.J.S.A. 47:1A-1 et seq. for review of documents pertaining to the proposed development now known as the Greenbriar at

the Village and the Somerset County wastewater management plan now pending before the New Jersey Department of Environmental Protection ("DEP"). The matters asserted are based on my review of these and other documents.

4. The wastewater management plan presently in effect in Hillsborough was endorsed in 1988, as reflected in the resolutions of the Township Committee and MUA, copies of which are attached as Exhibit A.

5. Hillsborough's 1988 plan does not include the proposed Greenbriar site, as reflected in the Sewer Service Area Map of Hillsborough Township. Exhibit B is a copy of the map. (The proposed Greenbriar site is highlighted.) The site is shown as proposed for sewer service in a similar map dated July 18, 1994. Exhibit K is a copy of this second map.

6. In March, 1993, and with the approval of DEP, wastewater management plan ("WMP") responsibility for the area known as the Upper Raritan Watershed was transferred to the Somerset County Board of Chosen Freeholders from several local agencies. These agencies are specified in the excerpts of the draft County WMPs attached as Exhibits G and H. After the transfer of WMP responsibility, the Freeholders requested the County Planning Board to develop a WMP for the Upper Raritan Watershed. The County Planning Board convened an Advisory Committee comprising representatives of the agencies which formerly had WMP responsibility in the Upper Raritan Watershed. Exhibit C is copy of a memorandum dated February 27, 1996 of Anthony McCracken, Administrative Planner of the Somerset County Planning Board, to Denise Coyle, Freeholder Liaison, summarizing the history of this transfer of authority.

7. Exhibit D is a copy of a letter from Gail Quabeck, Executive Director of the MUA to Robert Bzik, Director, Somerset County Planning Board, dated June 4,

1993 reflecting the appointment of Harry Smith as MUA representative to the Advisory Committee. The County Planning Board reconvened the Advisory Board in 1995. Exhibit E is a copy of a similar letter from Gail Quabeck to Anthony McCracken dated January 5, 1996 reflecting the appointment of Gail Quabeck to the reconvened Advisory Committee. Exhibit F is a copy of a portion of the minutes of a Township reorganization meeting appointing Harry Smith chairman of the MUA from 1990 to 1995. I have found no resolution of the Township Committee endorsing or approving the appointment of Harry Smith or Gail Quabeck to the Advisory Committee.

8. Exhibit G is a copy of selected portions of the County's initial draft WMP, dated January 1994. Exhibit H is a copy of similar portions of the draft WMP dated November 23, 1994. A comparison of the projected flow calculations pertaining to Hillsborough and the corresponding footnotes indicates that projections for the Greenbriar (at a 10,000 unit buildout) are included in the November but not the January draft. I have found no resolution of the Township Committee endorsing or approving the inclusion of flow calculations for the Greenbriar site between January and November 1994.

9. Exhibit I is a copy of a letter dated July 12, 1994 from Frank Scarantino, Hillsborough Township Engineer, to Anthony McCracken, Somerset County Planner, requesting Hillsborough be allowed to pursue its own amendment to the existing WMP to include the Greenbriar site. Exhibit J is Mr. McCracken's response dated, July 21, 1994.

10. Exhibit K is a copy of a Sewer Service Area Map for Hillsborough Township dated July 18, 1994 prepared by William Heibell of Van Cleef Associates and showing the Greenbriar site as proposed for inclusion in the sewer service area.

11. Exhibit L is a copy of a letter from Deborah Bechtel of DEP to William Heibell dated October 24, 1994 regarding inclusion of the Greenbriar site in Hillsborough's separate amendment to the existing WMP.

12. Exhibit M is a copy of the Township Committee's resolution dated December 15, 1994 engaging William Heibell to prepare Hillsborough's separate amendment to the existing WMP.

13. Exhibit N is a copy of a letter from Deborah Bechtel to William Heibell dated June 27, 1995, requesting Hillsborough's endorsement of the proposed amendment to the existing plan.

14. Exhibit O is a copy of the Township Committee resolution dated July 26, 1995 endorsing the proposed amendment to the existing WMP.

15. Exhibit P is a copy of objections to Hillsborough's proposed amendment to the existing WMP dated July 31, 1995, and filed with DEP by Kinsey & Hand on behalf of P.E.C. Builders, Inc.

16. Exhibit Q is a copy of a Township Committee resolution dated August 23, 1995 withdrawing its July 26, 1995 endorsement.

17. Exhibit R is a copy of a letter dated August 26, 1996 from Raymond Trombadore, Esq., on behalf of Friends to Deborah Bechtel of DEP objecting to inclusion of the Greenbriar site in the County WMP. Attached to the letter is the Township's Complaint against the Elizabethtown Water Company dated July 7, 1989 and verified by then mayor Peter Biondi.

18. Exhibit S is a copy of a Township Committee resolution dated September 25, 1996 requesting deferral of DEP's consideration of the Hillsborough portion of the County WMP. This is the first Township Committee resolution regarding the draft County WMP.

19. Exhibit T is a copy of a Township Committee resolution dated January 29, 1997 replacing the MUA with the Planning Board Chairman as the Township representative to the County Advisory Committee.

20. I attach as Exhibit U a copy a letter from Hillsborough Planning Board Chairman Thomas Bates to Robert Bzik, Director of the Somerset County Planning Board enclosing two resolutions adopted by the Planning Board on April 3, 1997. The first establishes criteria for the extension sewers in the Township; the second recommends inclusion of the Greenbriar site in the County WMP.

21. Exhibit V is a copy of a Township Committee resolution dated April 23, 1997 suspending the Planning Board's April 3, 1997 action.

22. Exhibit W is a copy of a Township Committee resolution dated June 25, 1997 recommending exclusion of the Greenbriar site from the County WMP.

23. Exhibit X is a copy of correspondence from John R. Halleran, Esq., counsel for plaintiff U.S. Homes to DEP dated April 28, 1997 and enclosing U.S. Homes' petition for sewer approval for the Greenbriar site.

24. Exhibit Y is a copy of Hillsborough's Development Regulations, Chapter 77, § 77-91.1, as amended.

25. Exhibit Z are copies of Hillsborough Planning Board resolutions adopted September 5, 1991 and October 3, 1991 classifying the Greenbriar and Sunnymead projects, respectively, as PACs.

26. Exhibit AA is a copy of the Hillsborough Planning Board resolution approving the initial General Development Plan concerning the Greenbriar project and adopted January 2, 1992. Exhibit BB is a copy of the Hillsborough Planning Board resolution approving the amended General Development Plan concerning the Greenbriar project and adopted December 7, 1995. The earlier resolution does not

limit the number of residential units for the project; the latter resolution sets a limit of 3,000 residential units for the project.

27. Exhibit CC is a copy of a letter from John R. Halleran, Esq., counsel for plaintiff U.S. Homes to the Hillsborough Planning Board dated August 19, 1996.

28. Exhibit DD is a copy of an article from the Hillsborough Beacon dated March 29, 1990 regarding a proposal for senior housing made by Harry Smith.

29. Exhibit EE is a copy of a Municipal Development Agreement dated February 27, 1996 between the Township and HAAL.

30. Exhibit FF is a copy of the Somerset County Land Use Management map and copies of pages 59 and 60 from the Somerset County Master Plan.

31. Exhibit GG is a copy of the Resource Management and Planning Map of and pages 4 - 5, 93 - 117, and 143 - 147 of the first New Jersey State Development and Redevelopment Plan ("SDRP").

32. Exhibit HH is a copy of the COAH Compliance Report for Hillsborough Township dated March 4, 1996.

33. Exhibit II is a copy of the COAH resolution granting Hillsborough substantive certification dated April 3, 1996.

34. Exhibit JJ is a copy of resolutions of the governing bodies of Readington and East Amwell opposing the Greenbriar project.

35. I certify that the foregoing statements by me are true. I further certify that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



DAVID W. TROMBADORE

Dated: August 25, 1997

EXHIBIT A

RESOLUTION OF ENDORSEMENT
OF THE
HILLSBOROUGH TOWNSHIP WASTEWATER MANAGEMENT PLAN
BY THE
HILLSBOROUGH TOWNSHIP COMMITTEE

WHEREAS, pursuant to the New Jersey Water Quality Planning Act (N.J.S.A.58:11A-1 et. seq.), Hillsborough Township is required to prepare a wastewater management plan; and

WHEREAS, pursuant to the Water Quality Management Planning and Implementation Process Regulations (N.J.A.C.7:15-3.4 et. seq.), Hillsborough Township is required to prepare a wastewater management plan; and

WHEREAS, Hillsborough Township has engaged the firm of Van Cleef Engineering Associates to prepare said wastewater management plan; and

WHEREAS, a Wastewater Management Plan for Hillsborough Township, Somerset County, New Jersey as dated May 10, 1988 and as prepared by Van Cleef Engineering Associates has been submitted and reviewed by the New Jersey Department of Environmental Protection; and

WHEREAS, the Hillsborough Township Wastewater Management Plan was submitted to the New Jersey Department of Environmental Protection so that it may be incorporated into the Upper-Raritan Wastewater Quality Management Plan (W.Q.M.P.) via the New Jersey Department of Environmental Protection Plan amendment procedure and;

WHEREAS, the Hillsborough Township Wastewater Management Plan needs an endorsement from the Hillsborough Township Committee; and

WHEREAS, the Hillsborough Township Committee has reviewed the Hillsborough Township Wastewater Management Plan and found the same to be satisfactory;

NOW THEREFORE, BE IT RESOLVED, that the Hillsborough Township Committee hereby endorses the Wastewater Management Plan for Hillsborough Township, Somerset County, New Jersey as dated May 10, 1988.

I, Brett Radi, Township Clerk,

hereby certify that the above resolution is a true and correct copy of a resolution adopted by the Township Committee at a regular and duly convened meeting held on MAY 10, 1988

Date: _____

BRETT RADI

In testimony whereof, I have set my hand

RESOLUTION OF ENDORSEMENT

OF THE WASTEWATER MANAGEMENT PLAN FOR HILLSBOROUGH TOWNSHIP

BY THE TOWNSHIP OF HILLSBOROUGH MUNICIPAL UTILITIES AUTHORITY

WHEREAS, pursuant to the New Jersey Water Quality Planning Act (N.J.S.A.58-11A-1 et. seq.) and the Water Quality Management Planning and Implementation Process Regulations (N.J.A.C.7:15-3.4 et. seq.), Hillsborough Township is required to prepare a wastewater management plan; and

WHEREAS, Hillsborough Township has engaged the firm of Van Cleef Engineering Associates to prepare said wastewater management plan; and

WHEREAS, a Wastewater Management Plan for Hillsborough Township, Somerset County, New Jersey, dated April 4, 1988, prepared by Van Cleef Engineering Associates, has been submitted and reviewed by the New Jersey Department of Environmental Protection; and


WHEREAS, the Wastewater Management Plan for Hillsborough Township was submitted to the New Jersey Department of Environmental Protection so that it may be incorporated into the Upper-Raritan Wastewater Quality Management Plan (W.Q.M.P.) via the New Jersey Department of Environmental Protection Plan amendment procedure and;

WHEREAS, the Wastewater Management Plan for Hillsborough Township requires the endorsement of the Township of Hillsborough Municipal Utilities Authority; and

WHEREAS, The Township of Hillsborough Municipal Utilities Authority has reviewed the Wastewater Management Plan for Hillsborough Township and found the same to be satisfactory;

NOW, THEREFORE, BE IT RESOLVED, that the Hillsborough Township Municipal Utilities Authority hereby endorses the Wastewater Management Plan for Hillsborough Township, Somerset County, New Jersey, dated ~~April 4, 1988~~

I, Gail Quabeck, Certifying Officer of The Township of Hillsborough Municipal Utilities Authority, hereby certify that the above is a true and correct copy of a resolution adopted by the Authority at a meeting duly convened on April 20, 1988.



Gail Quabeck, Certifying Officer

EXHIBIT B

EXHIBIT C



SOMERSET COUNTY PLANNING BOARD

20 Grove Street
P.O. Box 3000
Somerville, N.J. 08876-1262
(908) 231-7021 Fax (908) 707-1749 TDD (908) 231-7168

MEMBERS

Carolann Auger
Chairperson

Richard A. Fontana
Vice Chairman

Bernard Navatto, Jr.
Secretary

Otto Kaufman

Robert L. Matthews

Gerald W. Bowdren

Fred J. Howlett
Freeholder Director

Peter J. Biondi
Deputy Freeholder Director

Michael Amorosa
County Engineer

Alternate Members

Rose C. McConnell
Alternate to Freeholder

David J. Lortzner
Alternate County Engineer

Peter S. Palmer
1st Alternate

Mary M. Moody, AICP/PP
2nd Alternate

Robert P. Bzik, AICP/PP
Director of Planning

John M. Lore, Esq.
Deputy County Counsel
for Planning

TO: DENISE COYLE, FREEHOLDER LIAISON

**FROM: ANTHONY V. MCCRACKEN, AICP/PP
ADMINISTRATIVE PLANNER**

**SUBJECT: UPPER RARITAN WASTEWATER MANAGEMENT
PLANNING**

DATE: FEBRUARY 27, 1996

As you are aware, the County Planning Board has been designated as agents by the Somerset County Board of Chosen Freeholders for the development and management of the Upper Raritan Wastewater Management Plan.

Prior to the County's assumption of this planning process, it was the responsibility of (12) twelve local entities in the Upper Raritan Basin portion of Somerset County. Each were required by the NJDEP to prepare such a 20 year wastewater visioning plan which required consistency with their individual local zoning and master planning efforts. The problem, however, was that sanitary sewer service requires more of a regional planning approach and at times communities were inconsistent with their neighbors in regard to infrastructure needs and planning.

Somerset County asked the NJDEP in 1993 and received a transfer of Wastewater Management Planning responsibility for certain portions of Somerset County (see enclosed map). The County hired consultant Malcolm Pirnie of Mahwah, NJ to help prepare the document and the Planning Board established a Policy Advisory Committee to assist it during the development of a draft plan.

This policy advisory committee is composed of representatives from the municipalities and sewerage authorities that previously had wastewater planning responsibilities.

Once designation was received from the NJDEP, the County and its consultant completed a draft for submission in October 1994, thereby meeting a regulatory deadline. Due to downsizing at the NJDEP, the document did not receive review for over a year, prompting the County Planning Board in September of 1995 to write NJDEP indicating that the holdup was significantly delaying scheduled development activity.

In December of 1995 initial comments on our draft were received from the NJDEP. A copy of these were distributed to members of the Policy Advisory Committee, and the Planning Board's Environment & Utilities Committee. Over the last two months, staff and consultant Justin Mahon of Malcolm Pirnie, Inc. met with representatives of the NJDEP. A Policy Advisory Committee meeting was scheduled for February 22, 1996 at which time the committee members were asked to provide input on the NJDEP comments. At this meeting attended by nearly all the municipalities involved, a timetable was established to move the draft as quickly as possible with responses to comments back to the NJDEP, hopefully for final review.

The towns were given individual worksheets specifying the data needed from their communities with a timetable as follows:

- 1) Comments and data from municipalities by March 30, 1996; and
- 2) Revised plan resubmitted to DEP by May 15, 1996.

It is hoped that the NJDEP will be able to provide a quick review of the revised draft and submit the document for comment in the NJ Register by early fall.

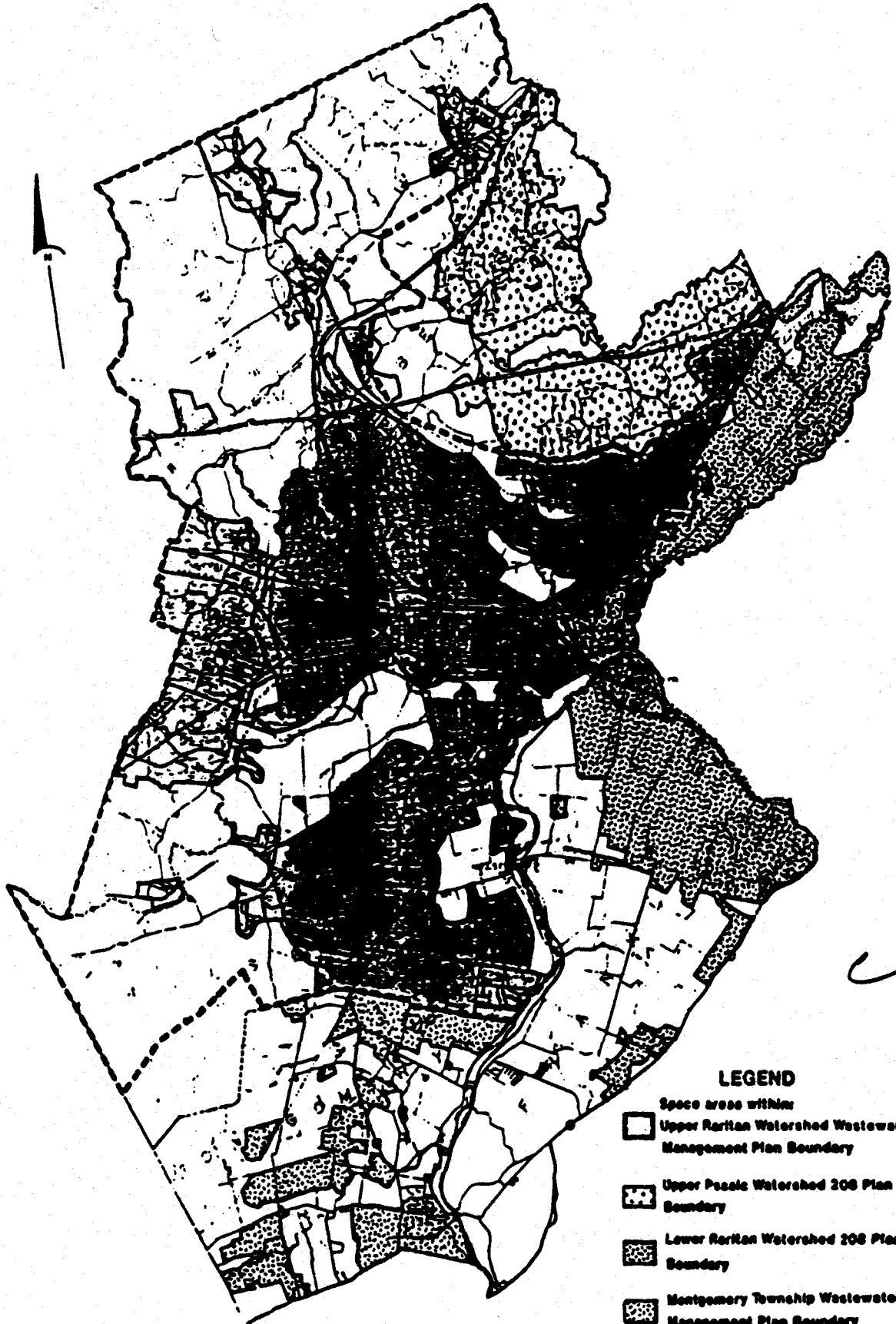
This project has been a significant undertaking, however the cost efficiencies (as opposed to each municipality preparing their own plan) is a great savings. Additionally, the process allows for a cooperative effort between the towns and County Planning Board in an integrated planning process which will benefit future growth of Somerset County.

If you should have any questions, please contact me. I will keep you informed as the work proceeds.

cc: Richard Fontana, Chairman, Somerset County Planning Board
Somerset County Environment & Utilities Committee
Richard Williams, County Administrator
Michael Amorosa, Director of Public works
Robert P. Bzik, Planning Director






SOMERSET COUNTY

EXISTING & PLANNED SANITARY SEWER SERVICE



LEGEND

Space area within:

-  Upper Raritan Watershed Wastewater Management Plan Boundary
-  Upper Passaic Watershed 208 Plan Boundary
-  Lower Raritan Watershed 208 Plan Boundary
-  Montgomery Township Wastewater Management Plan Boundary
-  On site wastewater managed area.

SCALE IN MILES



EXHIBIT D

Tony

THE TOWNSHIP OF HILLSBOROUGH
MUNICIPAL UTILITIES AUTHORITY

344 ROUTE 206
SOUTH SOMERVILLE, NEW JERSEY
(Hillsborough Township)

Telephone (908) 874-3550

RECEIVED
JUN - 7 1993
SOMERSET COUNTY
PLANNING BOARD

Mailing Address:
P.O. BOX 1019
BELLE MEAD, NJ 085

June 4, 1993

Mr. Robert P. Bzik, AICP/PP
Director of Planning
Somerset County Planning Board
P. O. Box 3000
20 Grove Street
Somerville, N. J. 08876-1262

Dear Mr. Bzik:

Re: Upper Raritan Wastewater Advisory Committee

Reference is made to your recent request that we designate a representative to the Upper Raritan Wastewater Advisory Committee.

We look forward to participating on this committee and designate our Chairman, Harry B. Smith, as our representative. Mr. Smith can be contacted either through our office or at the address and telephone number given below:

Harry B. Smith
East Mountain Road
Belle Mead, N. J. 08502

Telephone (908) 369-3659

Very truly yours,

Gail Quabeck
Gail Quabeck
Executive Director

C.C. Harry B. Smith
Anthony V. McCracken

EXHIBIT E

THE TOWNSHIP OF HILLSBOROUGH
MUNICIPAL UTILITIES AUTHORITY

344 ROUTE 206
SOUTH SOMERVILLE, NEW JERSEY
(Hillsborough Township)

Telephone (908) 874-3560

Mailing Address:
P.O. BOX 1019
BELLE MEAD, NJ 08502

January 5, 1996

Mr. Anthony V. McCracken
Administrative Planner
Somerset County Planning Board
P. O. Box 3000
Somerville, N. J. 08876

Dear Mr. McCracken:

Re: Upper Raritan Wastewater Advisory Committee

In response to your December 21, 1995 letter regarding the designation of a representative to the Wastewater Advisory Committee for 1996, please be advised that I will represent the Township of Hillsborough and the Hillsborough Municipal Utilities Authority on said committee.

All meeting notices and correspondence should, therefore, be forwarded to me at the above address. Will the committee members be supplied with copies of the comments you have received from NJDEP for review prior to a meeting of the committee?

Very truly yours,

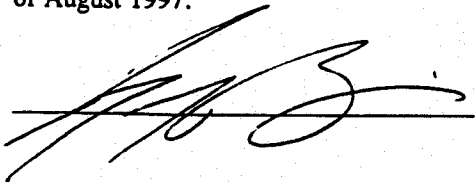
Gail Quabeck
Gail Quabeck
Executive Director

EXHIBIT F

484

I, Greg Bonin, Hillsborough Township Clerk, hereby certify that followi a true and correct copy of excerpt of January 2, 1990 Reorganization Meeting of the Township Committee of the Township of Hillsborough.

In witness thereof I have set my hand and affixed the seal of the Township of Hillsborough this 21st day of August 1997.



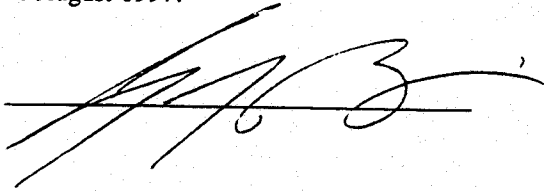
A resolution was offered by Deputy Mayor DeMilia, who recommended its adoption, seconded by Committeeman Falzone which reads as follows:

BE IT RESOLVED by the Township Committee of the Township of Hillsborough that the following appointments shall be made for the following terms:

	Name	Term
Auditor	Supplee & Clooney	12/31/93
Board of Adjustment	Vincent Lipani	12/31/91
Alternates #1	Martin Wolfson	12/31/93
	Ken Scherer	12/31/91
#2	James Brannen	12/31/90
Planning Board Class III	Eileen Stafford	12/31/90
Board of Ethics	Robert DeMilia	12/31/92
Certifying Agent PERS-Police & Fireman	Jackson Hurst	12/3/90
Certifying Official	Brett A. Radi	12/31/90
to serve in absence of Certifying Official	Victoria Lapotasky	12/31/90
Dog Tabulator	Dick Doyle	2/1/91
Dog Warden Service	Somerset County-to serve at the pleasure of Committee	
Fire Sub-Code Official	Don Scher	12/31/90
Local Assistance Board	Fay DeCanto	12/31/91
Twsp. Comm. Representative	Elaine DeMilia	12/31/90
Municipal Court		
Prosecutor	Ken Shotlander	12/31/90
Asst. Prosecutor	Frank Johnson	12/31/90
Mun. Improvement Search		

I, Gregor Bonin, Hillsborough Township Clerk, hereby certify that follow a true and correct copy of excerpt of the January 2, 1990 Reorganization Meeting of the Township Committee of the Township of Hillsborough.

In witness thereof I have set my hand and affixed the seal of the Township of Hillsborough this 21st day of August 1997.



Official	Brett A. Radi	12/31/90
Mun. Utility Authority	Harry Smith	2/1/95
Liaison Twsp. Comm. Rep.	Larry Falzone	12/11/90
Paymaster & Social Security Admin.	Jackson Hurst	12/31/90
Police Dept. Chaplains	Rev. James Brosius	12/31/90
	Rev. Allen Buurma	12/31/90
	Rev. John Cherry	12/31/90
	Rev. Diane Johnson	12/31/90
	Rev. Lisa Lancaster	12/31/90
	Rev. Glen Peterman	12/31/90
	Rev. Ronald Sparvero	12/31/90
	Rev. Frank Villerius	12/31/90.
Matrons	Betty York	12/31/90
	Karen Messineo	12/31/90
	Edwina Magiera Pye	12/31/90
	Stephanie Meyer	12/31/90
School Crossing Guards	Theresa Sierpinski	12/31/90
	Mayda M. Belko	12/31/90
	Suzanne Pollock	12/31/90
Special Officers	Bruce Knolmayer	12/31/90
	George Mariasz	12/31/90
	Daniel Pannucci	12/31/90
	Gary Santonastaso	12/31/90
	Joseph Ziobro	12/31/90
Recreation Commission	Earl Sanoval	12/31/94
Tax Search Official	Jill Evans	12/31/90
Treasurer	Jackson Hurst	12/31/90
Chief Financial Officer		

EXHIBIT G

DRAFT

**SOMERSET COUNTY/UPPER RARITAN WATERSHED
WASTEWATER MANAGEMENT PLAN**

UPPER RARITAN WATER QUALITY MANAGEMENT PLAN

LOWER RARITAN/MIDDLESEX WATER QUALITY MANAGEMENT PLAN

NORTHEAST WATER QUALITY MANAGEMENT PLAN

**SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS
SOMERVILLE, NEW JERSEY**



MALCOLM PIRNIE, INC.

**One International Boulevard
Mahwah, New Jersey 07495
(201) 529-4700**

**2 Corporate Park Drive
P.O.Box 751
White Plains, New York 10602
(914) 694-2100**

0273-001

1.0 INTRODUCTION

The purpose of this document is to provide a comprehensive Wastewater Management Plan (WMP) for the Somerset County Board of Chosen Freeholders (County). The WMP has been submitted to the New Jersey Department of Environmental Protection and Energy (Department) for approval so that it may be incorporated into the Upper Raritan Water Quality Management Plan, the Lower Raritan/Middlesex Water Quality Management Plan and the Northeast Water Quality Management Plan via the plan amendment procedure (N.J.A.C. 7:15).

The County by an amendment to the Upper Raritan Water Quality Management Plan has assumed wastewater management planning responsibility from the following agencies:

- Bedminster Township
- Bernardsville Borough
- Branchburg Township
- Far Hills Borough
- Hillsborough Municipal Utilities Authority
- Manville Borough
- Millstone Borough
- Peapack-Gladstone Borough
- Somerset Raritan Valley Sewerage Authority (SRVSA)
- Warren Township Sewerage Authority (for a portion of the Township approximating the Raritan River Basin)

Its WMP area encompasses all or parts of the following municipalities:

- Bedminster
- Bernardsville
- Branchburg
- Bridgewater
- Far Hills
- Hillsborough
- Manville
- Millstone
- Peapack-Gladstone
- Raritan
- Somerville
- Warren

Wastewater management planning, municipal, district and drainage basin boundaries are delineated on the Plate 1, Planning Area Map.

Two portions of the WMP area are serviced by wastewater facilities outside the WMP area. They are a small section of Bernardsville serviced by the Bernards Township Sewerage Authority and a portion of Bridgewater serviced by the Middlesex County Utilities Authority via Bound Brook's sewerage system.

There are three areas outside the WMP area which are serviced by wastewater facilities within the WMP area. They are the portion of Bernards Township serviced by the Environmental Disposal Corporation (EDC) Wastewater Treatment Plant in Bedminster and the portions of Green Brook and Bernards serviced by the SRVSA Wastewater Treatment Plant via the Warren Township Sewerage Authority and Bridgewater sewerage systems.

A portion of Bridgewater which is inside the district of the SRVSA is served by the Middlesex County Utilities Authority via the Plainfield Joint Meeting and is not part of the WMP area.

Individual subsurface disposal facilities serve all of Millstone and portions of Bedminster, Bernardsville, Branchburg, Far Hills, Greenbrook, Hillsborough, Peapack-Gladstone and Warren. There are scattered septic systems in Bridgewater, Raritan, and Somerville.

Somerset County will, in accordance with N.J.A.C. 7:15.5.3c, satisfy its responsibilities as Wastewater Management Planning Agency by preparing and submitting this WMP and future updates to the same as required by law, by offering the affected governmental units within the Somerset County/Upper Raritan Watershed basin, prior to the commencement of the update process of the WMP or future updates to the same, the choice of preparing their own portion of the WMP, as it affects their municipality or having the County prepare the same. In the event a municipality does not advise the County Planning Board of its desire to prepare its portion of the plan or update within sixty (60) days of notice from the county as to the municipality's or authority's choice, then the Somerset County Planning Board, within the Advisory Committee structure defined in the Somerset County/Upper Raritan Watershed Wastewater Management Planning Procedures, will proceed to prepare the plan or update in accordance with those same procedures.

No municipality or authority has chosen to prepare its own portion of the WMP. However, the NJDEPE has previously approved WMP's for Bedminster, Bernards,

Bernardsville, Far Hills, the Hillsborough Municipal Utilities Authority, Manville, Peapack-Gladstone and the Warren Township Sewerage Authority. This WMP has been coordinated with the existing WMP's except where new information has superseded earlier planning.

The WMP area is entirely outside the Hackensack Meadowland District, the Pinelands Commission District and areas subject to New Jersey's Coastal Zone Management Programs.

TABLE 1
Somerset Raritan Valley Sewerage Authority (SRVSA)

- | | |
|------------------------------------|--|
| 1. Name: | Somerset Raritan Valley Wastewater Treatment Plant |
| 2. Status: | Existing |
| 3. NJPDES Permit Number: | NJ0024864 |
| 4. Discharge: | Surface Water |
| 5. Receiving Water: | Raritan River (Cuckels Brook) |
| 6. Receiving Water Classification: | FW 2 Non-Trout |
| 7. Owner: | Somerset Raritan Valley Sewerage Authority |
| 8. Operator: | Somerset Raritan Valley Sewerage Authority |
| 9. Co-permittee: | Not Applicable |
| 10. Location of Facility: | |
| Municipality | Township of Bridgewater |
| County | Somerset |
| Street Address | Polhemus Lane |
| 11. Location of Discharge: | |
| Latitude | 40°30'18" North |
| Longitude | 74°34'02" West |
| 12. Present Permitted Flow: | 21.3 mgd ⁽¹⁾ |
| 13. Present Design Capacity: | 21.3 mgd |
| 14. Population Served: | |

Municipality	Year 1993	Year 2013 ⁽²⁾
Branchburg	10,737 ⁽²⁾	13,127 ⁽²⁾
Bridgewater	33,051 ^(1,2)	38,470 ⁽²⁾
Hillsborough	19,196 ⁽²⁾	27,206 ⁽¹¹⁾
Manville	10,412 ⁽¹⁾	10,606 ⁽²⁾
Raritan	5,710 ⁽¹⁾	6,166 ⁽²⁾
Somerville	11,255 ⁽¹⁾	11,584 ⁽²⁾
Warren/Greenbrook	3,457 ⁽¹²⁾	6,505 ⁽²⁾
Millstone	0	448 ⁽²⁾
Total:	93,818	114,112

DRAFT

15. Summary of Wastewater Flows:		
	Year 1993 (mgd)	Year 2013(mgd)
1. Branchburg		
Residential ⁽⁶⁾	0.70	0.85
Commercial	0.11 ⁽⁷⁾	0.18 ⁽¹¹⁾
Industrial	0.32 ⁽⁷⁾	0.63 ⁽¹¹⁾
Infiltration/Inflow ⁽⁸⁾	0.11	0.11
Total:	1.24 ⁽⁴⁾	1.77
2. Bridgewater		
Residential ⁽⁶⁾	2.15	2.50
Commercial	0.49 ⁽⁷⁾	1.00 ⁽¹¹⁾
Industrial	0.77 ⁽⁷⁾	1.00 ⁽¹¹⁾
Infiltration/Inflow ⁽⁸⁾	1.78	1.78
Total:	5.19 ⁽⁴⁾	6.28
3. Hillsborough		
Residential ⁽⁶⁾	1.25	1.77
Commercial	0.19 ⁽⁷⁾	0.27 ⁽¹¹⁾
Industrial	0.05 ⁽⁷⁾	2.00 ⁽¹¹⁾
Infiltration/Inflow ⁽⁸⁾	0.57	0.64 ⁽¹²⁾
Total:	2.06 ⁽⁴⁾	4.68
4. Manville		
Residential ⁽⁶⁾	0.68	0.69
Commercial	0.15 ⁽⁷⁾	0.15 ⁽¹¹⁾
Industrial	0.00 ⁽⁷⁾	0.20 ⁽¹¹⁾
Infiltration/Inflow ⁽⁸⁾	0.40	0.40
Total:	1.23 ⁽⁴⁾	1.44
5. Millstone		
Residential ⁽⁶⁾	0.00	0.04 ⁽¹³⁾
Commercial	0.00	0.01 ⁽¹⁴⁾
Industrial	0.00	0.00
Infiltration/Inflow	0.00	0.00
Total:	0.00	0.05
6. Raritan		
Residential ⁽⁶⁾	0.37	0.46
Commercial	0.15 ⁽⁷⁾	0.22 ⁽¹¹⁾
Industrial	0.41 ⁽⁷⁾	0.57 ⁽¹¹⁾
Infiltration/Inflow ⁽⁸⁾	0.16	0.16
Total:	1.09 ⁽⁴⁾	1.41

DRAFT

7. Somerville		
Residential ⁽⁶⁾	0.73	0.75
Commercial	0.53 ⁽⁷⁾	0.72 ⁽¹¹⁾
Industrial	0.05 ⁽⁷⁾	0.05 ⁽¹¹⁾
Hospital	0.17 ⁽⁷⁾	0.17 ⁽¹¹⁾
Infiltration/Inflow ⁽⁸⁾	1.63	1.63
Total:	3.1 ⁽⁴⁾	3.32
8. Warren/Greenbrook		
Residential ⁽⁶⁾	0.23	0.42
Commercial ⁽⁷⁾	0.09 ⁽⁷⁾	0.19 ⁽¹¹⁾
Industrial ⁽⁷⁾	0.00 ⁽⁷⁾	0.00 ⁽¹¹⁾
Infiltration/Inflow ⁽⁸⁾	0.08	0.08
Total:	0.40 ⁽⁴⁾	0.69
9. Directed Connected Industries		
ACCO	1.65 ⁽⁴⁾	1.65
National Starch ⁽⁷⁾	0.09 ⁽⁴⁾	0.09
GRAND TOTAL:	16.06⁽⁴⁾	21.38

Notes:

- (1) Somerset County January 1, 1993 estimate by Somerset County Planning Board.
- (2) SRVSA Wastewater Management Plan plus 1992-1993 population increase estimated by Somerset County Planning Board.
- (3) Somerset County Planning Board year 2000 to year 2010 municipal population trend extrapolated to 2013 less current population in other service areas.
- (4) Total of metered flows 4th Quarter, 1992, first three quarters 1993.
- (5) Municipal population estimate by Somerset County less approximately 2000 either served by Middlesex County Utilities Authority or served by individual subsurface disposal systems.
- (6) Residential wastewater flows estimated at 65 gallon/person.
- (7) 1992 Data.
- (8) Difference between 1993 metered flow and 1993 residential, commercial, and industrial flows.
- (9) Somerset County Planning Board year 2000 to year 2010 municipal population trend extrapolated to year 2013.
- (10) SRVSA Wastewater Management Plan 1992 data.
- (11) SRVSA Wastewater Management Plan 2012 projection.
- (12) Increase contributed by abandoned existing treatment plants service areas (River Road, Fieldhedge, Dept. of Veterans Affairs).
- (13) Extrapolated to 2013 from year 2000 to year 2010 municipal population trend projected by Somerset County Planning Board.
- (14) 10 percent of estimate for entire commercial and office research zones.
- (15) 16.3 mgd exclusive of ACCO flow.

EXHIBIT H

DRAFT

**SOMERSET COUNTY/UPPER RARITAN WATERSHED
WASTEWATER MANAGEMENT PLAN**

UPPER RARITAN WATER QUALITY MANAGEMENT PLAN

LOWER RARITAN/MIDDLESEX WATER QUALITY MANAGEMENT PLAN

NORTHEAST WATER QUALITY MANAGEMENT PLAN

**SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS
SOMERVILLE, NEW JERSEY**



MALCOLM PIRNIE, INC.

**One International Boulevard
Mahwah, New Jersey 07495
(201) 529-4700**

**102 Corporate Park Drive
P.O.Box 751
White Plains, New York 10602
(914) 694-2100**

1.0 INTRODUCTION

The purpose of this document is to provide a comprehensive Wastewater Management Plan (WMP) for the Somerset County Board of Chosen Freeholders (County). The WMP has been submitted to the New Jersey Department of Environmental Protection (Department) for approval so that it may be incorporated into the Upper Raritan Water Quality Management Plan, the Lower Raritan/Middlesex Water Quality Management Plan and the Northeast Water Quality Management Plan via the plan amendment procedure (N.J.A.C. 7:15).

The County by an amendment to the Upper Raritan Water Quality Management Plan has assumed wastewater management planning responsibility from the following agencies:

- Bedminster Township
- Bernardsville Borough
- Branchburg Township
- Far Hills Borough
- Hillsborough Municipal Utilities Authority
- Manville Borough
- Millstone Borough
- Peapack-Gladstone Borough
- Somerset Raritan Valley Sewerage Authority (SRVSA)
- Warren Township Sewerage Authority (for a portion of the Township approximating the Raritan River Basin)

Its WMP area encompasses all or parts of the following municipalities:

- Bedminster
- Bernards
- Bernardsville
- Branchburg
- Bridgewater
- Chester Township
- Far Hills
- Green Brook
- Hillsborough
- Manville
- Millstone
- Peapack-Gladstone
- Raritan
- Somerville
- Warren

Wastewater management planning, municipal, district and drainage basin boundaries are delineated on the Plate 1, Planning Area Map. The planning area boundary shown is that which will become effective upon adoption of this WMP.

The portion of Bernards Township serviced by the Environmental Disposal Corporation (EDC) Wastewater Treatment Plant in Bedminster, the portion of the Gill St. Bernards School located in Chester which will be serviced by the EDC Wastewater Treatment Plant in Bedminster and the portions of Green Brook and Bernards serviced by the SRVSA Wastewater Treatment Plant via the Warren Township Sewerage Authority and Bridgewater sewerage systems will become part of the WMP area upon adoption of this WMP.

A portion of Bridgewater which is inside the district of the SRVSA is served by the Middlesex County Utilities Authority via the Plainfield Joint Meeting and is not part of the WMP area. A small section of Bernardsville serviced by the Bernards Township Sewerage Authority and a portion of Bridgewater serviced by the Middlesex County Utilities Authority via Bound Brook's sewerage system are not part of the WMP area.

Individual subsurface disposal facilities serve all of Millstone and portions of Bedminster, Bernardsville, Branchburg, Far Hills, Green Brook, Hillsborough, Peapack-Gladstone and Warren. There are scattered septic systems in Bridgewater, Raritan, and Somerville.

Somerset County will, in accordance with N.J.A.C. 7:15.5.3c, satisfy its responsibilities as Wastewater Management Planning Agency by preparing and submitting this WMP and future updates to the same as required by law, by offering the affected governmental units within the Somerset County/Upper Raritan Watershed basin, prior to the commencement of the update process of the WMP or future updates to the same, the choice of preparing their own portion of the WMP, as it affects their municipality or having the County prepare the same. In the event a municipality does not advise the County Planning Board of its desire to prepare its portion of the plan or update within sixty (60) days of notice from the county as to the municipality's or authority's choice, then the Somerset County Planning Board, within the Advisory Committee structure defined in the Somerset County/Upper Raritan Watershed Wastewater Management Planning Procedures, will proceed to prepare the plan or update in accordance with those same procedures.

No municipality or authority has chosen to prepare its own portion of the WMP. However, the NJDEP has previously approved WMP's for Bedminster, Bernards,

Bernardsville, Far Hills, the Hillsborough Municipal Utilities Authority, Manville, Peapack-Gladstone and the Warren Township Sewerage Authority. This WMP has been coordinated with the existing WMP's except where new information has superseded earlier planning.

The WMP area is entirely outside the Hackensack Meadowland District, the Pinelands Commission District and areas subject to New Jersey's Coastal Zone Management Programs.

TABLE I
Somerset Raritan Valley Sewerage Authority (SRVSA)

1. Name:	Somerset Raritan Valley Wastewater Treatment Plant
2. Status:	Existing
3. NJPDES Permit Number:	NJ0024864
4. Discharge:	Surface Water
5. Receiving Water:	Raritan River (Cuckels Brook)
6. Receiving Water Classification:	FW 2 Non-Trout
7. Owner:	Somerset Raritan Valley Sewerage Authority
8. Operator:	Somerset Raritan Valley Sewerage Authority
9. Co-permittee:	Not Applicable
10. Location of Facility:	
Municipality	Township of Bridgewater
County	Somerset
Street Address	Polhemus Lane
11. Location of Discharge:	
Latitude	40°30'18" North
Longitude	74°34'02" West
12. Present Permitted Flow:	21.3 mgd ⁽¹⁵⁾
13. Present Design Capacity:	21.3 mgd
14. Population Served:	

Municipality	Year 1993	Year 2013 ⁽⁹⁾
Branchburg	10,737 ⁽²⁾	13,127 ⁽²⁾
Bridgewater	33,051 ⁽¹⁵⁾	38,470 ⁽²⁾
Hillsborough	19,196 ⁽²⁾	48,414 ⁽²⁰⁾
Manville	10,412 ⁽¹⁾	10,606 ⁽⁷⁾
Raritan	5,710 ⁽¹⁾	6,166 ⁽⁷⁾
Somerville	11,255 ⁽¹⁾	11,584 ⁽⁷⁾
Warren/Green Brook	3,457 ⁽¹⁰⁾	10,435 ⁽⁷⁾
Millstone	0	448 ⁽⁷⁾
Total:	93,818	139,250

15. Summary of Annual Average Wastewater Flows:		
	Year 1993 (mgd)	Year 2013(mgd)
1. Branchburg		
Residential ⁽⁶⁾	0.81	0.98
Commercial	0.11 ⁽⁷⁾	0.18 ⁽¹¹⁾
Industrial	0.32 ⁽⁷⁾	0.63 ⁽¹¹⁾
Infiltration/Inflow ⁽⁸⁾	0.00	0.00
Total:	1.24 ⁽⁴⁾	1.79
2. Bridgewater		
Residential ⁽⁶⁾	2.48	2.89
Commercial	0.49 ⁽⁷⁾	1.00 ⁽¹¹⁾
Industrial	0.77 ⁽⁷⁾	1.00 ⁽¹¹⁾
Infiltration/Inflow ⁽⁸⁾	1.45	1.45
Total:	5.19 ⁽⁴⁾	6.34
3. Hillsborough		
Residential ⁽⁶⁾	1.44	3.63)
Commercial	0.19 ⁽⁷⁾	4.34 ⁽¹⁶⁾
Industrial	0.05 ⁽⁷⁾	0.86 ⁽¹⁴⁾
Infiltration/Inflow ⁽⁸⁾	0.38	0.43 ⁽¹²⁾
Total:	2.06 ⁽⁴⁾	9.26
4. Manville		
Residential ⁽⁶⁾	0.78	0.80
Commercial	0.15 ⁽⁷⁾	0.15 ⁽¹¹⁾
Industrial	0.00 ⁽⁷⁾	0.20 ⁽¹¹⁾
Infiltration/Inflow ⁽⁸⁾	0.30	0.30
Total:	1.23 ⁽⁴⁾	1.45
5. Millstone		
Residential ⁽⁶⁾	0.00	0.03
Commercial	0.00	0.31 ⁽¹⁴⁾
Industrial	0.00	0.00
Infiltration/Inflow	0.00	0.00
Total:	0.00	0.04
6. Raritan		
Residential ⁽⁶⁾	0.43	0.46
Commercial	0.15 ⁽⁷⁾	0.22 ⁽¹¹⁾
Industrial	0.41 ⁽⁷⁾	0.57 ⁽¹¹⁾
Infiltration/Inflow ⁽⁸⁾	0.10	0.10
Total:	1.09 ⁽⁴⁾	1.35

7.	Warren/Green Brook		
	Residential ⁽⁶⁾	0.84	0.87
	Commercial	0.53 ⁽⁷⁾	0.72 ⁽¹¹⁾
	Industrial	0.05 ⁽⁷⁾	0.05 ⁽¹¹⁾
	Hospital	0.17 ⁽⁷⁾	0.17 ⁽¹¹⁾
	Infiltration/Inflow ⁽⁸⁾	1.51	1.51
	Total:	3.10 ⁽⁴⁾	3.32
8.	Directed Connected Industries		
	Residential ⁽⁶⁾	0.26	0.92 ⁽¹⁷⁾
	Commercial	0.09 ⁽⁷⁾	0.32 ⁽¹⁹⁾
	Industrial	0.00 ⁽⁷⁾	0.00
	Infiltration/Inflow ⁽⁸⁾	0.05	0.00 ⁽¹⁸⁾
	Total:	0.40 ⁽⁴⁾	1.24
9.	ACCO	1.65 ⁽⁴⁾	5.00 ⁽¹³⁾
	National Starch	0.09 ⁽⁴⁾	0.09
	GRAND TOTAL:	16.05 ⁽⁴⁾	29.88

Notes:

- (1) Somerset County January 1, 1993 estimate by Somerset County Planning Board.
- (2) SRVSA Wastewater Management Plan plus 1992-1993 population increase estimated by Somerset County Planning Board.
- (3) Somerset County Planning Board year 2000 to year 2010 municipal population trend extrapolated to 2013 less current population in other service areas.
- (4) Total of metered flows 4th Quarter, 1992, first three quarters 1993.
- (5) Municipal population estimate by Somerset County less approximately 2000 either served by Middlesex County Utilities Authority or served by individual subsurface disposal systems.
- (6) Residential wastewater flows estimated at 75 gallon/person.
- (7) SRVSA Wastewater Management Plan 1992 data.
- (8) Difference between 1993 metered flow and 1993 residential, commercial, and industrial flows.
- (9) Somerset County Planning Board year 2000 to year 2010 municipal population trend extrapolated to year 2013.
- (10) Per Table 7 in Township of Warren Sewerage Authority Population Projections Summary provided by Warren, November 1994.
- (11) SRVSA Wastewater Management Plan 2012 projection.
- (12) Increase contributed by abandoned existing treatment plants service areas (River Road, Fieldhedge, Dept. of Veterans Affairs).
- (13) SRVSA - Lederle Laboratories Agreement
- (14) 10 percent of estimate for entire commercial and office research zones at 0.1 gallon per square foot.
- (15) 16.3 mgd exclusive of contractual agreement with Lederle Laboratories.
- (16) Buildout commercial and industrial zoning as provided by Hillsborough Planning Department 8/94 at 0.1 gallon per square foot plus 1110 health care beds at 125 gallons per bed in planned adult community.
- (17) Warren Township WMP projections and flow from 65 dwellings in Bridgewater.
- (18) Infiltration/inflow not separated.
- (19) Includes flow from Pingry School.
- (20) 27,200 per SRVSA Wastewater Management Plan Year 2012 projection plus 21, 208 from 10,604 Planned Adult Community units at 2 person per unit.

EXHIBIT I

Township of Hillsborough



COUNTY OF SOMERSET
MUNICIPAL BUILDING
AMWELL ROAD
NESHANIC, NEW JERSEY 08853

TELEPHONE
(908) 369-4313

JUL 22 1994

July 12, 1994

Mr. Anthony McCracken
Administrative Planner
Somerset County
Planning Department
P.O.Box 3000
County Administration Building
20 Grove Street
Somerville, New Jersey 08876

Re: WASTEWATER MANAGEMENT PLAN AMENDMENT REQUEST FOR
PLANNED ADULT COMMUNITY/HEALTH CARE FACILITY
PAC/HCF

Dear Mr. McCracken:

As you are aware, the Hillsborough Municipal Utilities Authority has proposed an amendment to the Upper Raritan Watershed Wastewater Management Plan which would include the above referenced "Planned Adult Community" in the planned sewer area.

You may even be aware that the proposed PAC development was identified as a Planned Village Center in the State Development and Redevelopment Plan during the Cross Acceptance process, and in fact, the Township has begun the process to obtain a Village Center designation.

However, you are undoubtedly not aware of the importance of the PAC development in satisfying Hillsborough Township's Affordable Housing requirements.

In fact, it is the ability of PAC's affordable senior citizen housing component to provide for all of Hillsborough's low and moderate housing, which laid the ground work for much of our amended Master Plan and the Planning approvals which the PAC development currently enjoys.

It is precisely because of the Council on Affordable Housing's (COAH) deadline for Substantive Certification of a fair share plan addressing Hillsborough's 1993 to 1999 calculated need that I am writing to request that the Somerset County Planning Board/Wastewater Policy Advisory Group endorse the expansion of the planned sewer area for the PAC development as a minor change to the existing greater Water Quality Management Plan.

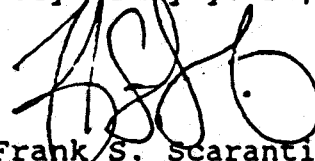
We understand that the Policy Advisory Group has concurred with the HTMUA requested changes and that the draft plan for the Upper Raritan Watershed Waste Water Management Plan Update will be sent to Trenton shortly. However, the process of plan approval is lengthy and may prove to be too long for Hillsborough's need!

With nearly all other issues involving the PAC development addressed, your assistance in this issue will be pivotal to Hillsborough's successful implementation of a fair share plan which does not rely on another inclusionary development.

Clearly good planning for the future of Hillsborough does not include another "Builder's Remedy".

Your consideration in this matter is greatly appreciated!

Very truly yours,



Frank S. Scarantino, P.E., P.P.
Township Engineer

FSS:hel

cc: Mayor Ken Scherer
Thomas Bates
Peg Van Patten
Edward A. Halpern, Township Attorney
Shirley Yannich, Director of Development
Bob Hiebell, (PAC) Van Cleef Engineering

EXHIBIT J

cc:FSS



SOMERSET COUNTY PLANNING BOARD

20 Grove Street P.O. Box 3000 Somerville, N. J. 08876-1262
 (908)231-7021 Fax (908)707-1749 TDD (908)231-7168

Handwritten routing slip with fields for 'To', 'From', and 'Date'. The name 'J. Scarantino' is written in the 'To' field. A large handwritten '66' is in the top right corner. At the bottom, 'PAC/HCF' is handwritten.

MEMBERS

PATRICIA A. MCKERNAN
Chairman

Caroleen Auger
Vice Chairman

Richard A. Fomano
Secretary

Otto Kautman

Thomas Barrows

Gerald Bowden

Rose C. McCannell
Freelander Director

Fred J. Howless
Deputy Freelandor Director

Michael J. Amerina
County Engineer

Alternate Members

Michael Pappas
Alternate to Freelandor

David J. Larmer
Alternate to County Engineer

Robert L. Mathews
1st Alternate

Bernard Novato, Jr.
2nd Alternate

Robert P. Bak, AICIPP
Director of Planning

John M. Lore, Esq.
*Deputy County Counsel
 for Planning*

July 21, 1994

Frank S. Scarantino, P.E., P.P.
 Hillsborough Township Engineer
 Municipal Building
 330 Amwell Road
 Neshanic, NJ 08853

Dear Mr. Scarantino:

I am writing with regard to your letter received July 20, 1994, concerning the Hillsborough Planned Adult Community and consistency with proposed sanitary sewer service.

As you indicate the area in question is recognized by this office as being proposed for sanitary sewer service in the Somerset County Upper Raritan Wastewater Management Plan currently being prepared. We are aware that during the State Cross Acceptance process Hillsborough identified this area as a Planned Village Center and is currently beginning the process of obtaining a Village Center Designation.

This action has been understood by this office in its preparation of said Wastewater Management Plan Update and has been included accordingly.

As I have indicated, however, we anticipate submitting an initial draft to the State New Jersey Department of Environmental Protection by early September as required by legislation. The length of the review process from that point I fear, may be greater than your time table due to the magnitude of our report and the various entities involved.

Page 2
F. S. Scarantino
Hillsborough Township
7-21-94

Therefore, this office would suggest and further endorses Hillsborough to seek an individual amendment on this parcel in advance of our plan submission.

If our office can be of assistance, please feel free to call.

Sincerely,



Anthony V. McCracken, Sr., AICP/PP
Administrative Planner

AMC/ag

cc: Rose C. McConnell, Freeholder Director
Patricia A. McKiernan, Chair, SCPB
Honorable Ken Scherer, Mayor, Hillsborough Township
Water Resources & Utilities Committee, SCPB
Richard E. Williams, County Administrator
Michael J. Amorosa, Director of Public Works
Robert P. Bzik, Director of Planning

EXHIBIT K

EXHIBIT L

*Wastewater
Hillsborough*



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND ENERGY

CHRISTINE TODD WHITMAN
Governor

ROBERT C. SHINN, JR.
Commissioner

Mr. Robert Heibell, P.E. & L.S.
Van Cleef Engineering Associates
PO Box 399 Amwell Road
Belle Mead, NJ 08502-0399

OCT 21 1994
10/24/94

Re: Hillsborough Planned Adult Community/Health Care
Facility
Upper Raritan Water Quality Management Plan

Dear Mr. Heibell:

The Department has received your letter of August 10, 1994 in which you request an amendment to the Hillsborough Township Wastewater Management Plan (WMP) for the above referenced project. The proposal is to include the approximately 760 acre project into the sewer service area of the Somerset Raritan Valley Sewerage Authority (SRVSA) sewage treatment plant.

The Department simultaneously received a letter from Mayor Ken Scherer specifying the Township Municipal Utilities Authority was proposing the amendment. Please clarify who the applicant is and who the primary contact will be for this amendment proposal.

The amendment request submittal provided incomplete project information. The following information is necessary in order for the Department to continue its review:

1. I have attempted to located the cited lots and blocks on the highlighted maps. Please check and correct as necessary the following items:

Indicate the location of Block 11, Lot 1.

Block 11, Lots 10A and 44A are cited in the letter as part of the project proposal. However, these lots have not been highlighted on the tax map or WMP map which were submitted.

Block 12, Lot 45.05 appears to have been included in the proposed sewer service area on the WMP map but is not included on the highlighted tax map or on the list of lots and blocks.

2. Please provide a site plan of the proposed project. Engineering specific detail sheets (e.g., curbing, landscaping) are not necessary, however, the overall location site plans are needed.

3. What is the projected wastewater flow to be generated from the development? Please provide specific numbers of units, square footage, dining seating, etc. to substantiate the projections. The Treatment Works Approval rules (N.J.A.C. 7:14A-23.3) effective June 6, 1994 must be utilized in calculating the projected flow.

4. How will this additional flow affect the existing wastewater flow projections found on pages 15 and 16 of the Hillsborough Township WMP? Does SRVSA have sufficient capacity (considering both present flows and committed but not yet used flows) to accommodate this proposal without the need for an expansion beyond its presently permitted capacity?

5. What is the source of potable water for the development? Will there be any interbasin transfer with respect to the water supply?

6. All portions of the Hillsborough Township WMP affected by this proposal will need to be amended (i.e., pages 1, 15, 16, Sewer Service Area map). Seven copies of all amended sections will be needed.

In revising the WMP map the added area should use the same graphics as the original map uses for Projected SRVSA Service Area.

7. In reviewing this project specific request to expand the sewer service area the Township and Municipal Utilities Authority should look at the more regional aspects of extending the sewer service. It appears that it would be logical to include additional small lots which are surrounded by this project and would be left as isolated pockets in the sewer service area. Should they be included the projected wastewater flows from these properties must be provided and included as part of the amendment proposal. If they continue to be excluded justification of the exclusion is required.

The Department presently has under review another amendment request in Hillsborough Township. The Department recommends that either the Township, or the County as WMP agency, take the lead for a combined amendment proposal in order to efficiently handle the changes that will be needed to the WMP (i.e., map).

If there are any questions, I may be contact at (609) 633-1179.

Sincerely,



Deborah A. Bechtel
Supervising Environmental Specialist
Office of Land and Water Planning

c: Ken Scherer, Mayor Hillsborough Twp.
Anthony McCracken, Somerset Co. Planning

EXHIBIT M

Hillsborough Township Committee Resolution
Pertaining to the Hillsborough Township
Wastewater Management Plan

WHEREAS, pursuant to the New Jersey Water Quality Planning Act (N.J.S.A.58:11A-1 et. seq.), Hillsborough Township has previously prepared a Wastewater Management Plan; and further

WHEREAS, pursuant to the Water Quality Planning Act and Implementation Process Regulations (N.J.A.C.7:15-3.4 et. seq.), Hillsborough Township has previously prepared a Wastewater Management Plan; and

WHEREAS, Hillsborough Township now finds a need to amend the previously prepared and approved Wastewater Management Plan; and

WHEREAS, Hillsborough Township finds the need to engage the services of a professional engineer in order to prepare an amendment to the existing Wastewater Management Plan;

NOW THEREFORE, BE IT RESOLVED, that the Hillsborough Township Committee hereby engages the firm of Van Cleef Engineering Associates to prepare an amendment to the existing Wastewater Management Plan; and

FURTHER, that all fees associated with the preparation of an amendment to the existing Wastewater Management Plan be jointly the responsibility of the particular private property owners affected by the Wastewater Management Plan Amendment.

I, Victoria McDonald, Township Clerk, hereby certify that the above resolution is a true and correct copy of a resolution adopted by the Hillsborough Township Committee at a regular and duly convened meeting held on December 13, 1994.

In testimony whereof, I have set my hand and affixed a seal of the Township of Hillsborough.

Date: 12/15/94

Victoria McDonald RMC, CHC
Victoria McDonald, Township Clerk

EXHIBIT N



State of New Jersey

Department of Environmental Protection
Environmental Planning
Bureau of Water Planning
CN 418, Trenton, NJ 08625-0418

Christine Todd Whitman
Governor

Robert C. Shinn, Jr.
Commissioner

Mr. Robert B. Heibell, P.E. & L.S.
Van Cleef Engineering Associates
P.O. Box 399 Amwell Road
Bell Mead, New Jersey 08502-0399

JUN 27 1995

Re: Amendment to Hillsborough Township Wastewater Management
Plan
Upper Raritan Water Quality Management Plan

Dear Mr. Heibell:

Enclosed please find a copy of the public notice for the above referenced amendment to the Upper Raritan Water Quality Management Plan. In accordance with the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), public notice is required to be posted in the New Jersey Register and one local newspaper which is The Star Ledger for this planning area. We have attached the appropriate notice for publication. It is the responsibility of the applicant to publish the notice in the newspaper. We anticipate that the notice will be published in the New Jersey Register on July 17, 1995. Please arrange to have your notice published on that date. If we are unable to publish on that date, we will contact you.

It is required of you to send to this office an affidavit, which includes a copy of the published notice, confirming that the public notice has been printed in the newspaper. This amendment can not be approved until proof of publication is received.

In accordance with N.J.A.C. 7:15-3.4, the governing bodies of the following parties shall be asked to issue written statements of consent for the proposed amendment: Hillsborough Township, Hillsborough Township Municipal Utilities Authority, Belle Mead Development Corporation, Somerset County Board of Chosen Freeholders, Somerset Raritan Valley Sewerage Authority, Elizabethtown Water Company, New Jersey Water Supply Authority and Middlesex Water Company.

A statement of consent by a governmental unit shall be in the form of a resolution by that unit's governing body. Tentative, preliminary, or conditional statements shall not be considered to be statements of consent.

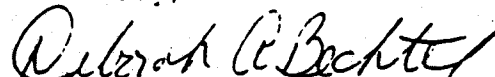
Within 15 days of receiving this letter you must send by certified mail (return receipt requested) a copy of the proposed amendment (which should include public notice, supporting documentation and/or wastewater management plan) to the parties identified above, with a request that they issue a written statement of consent for the proposed amendment within 60 days (see enclosed sample).

The applicant shall promptly forward to the Office of Environmental Planning a copy of all written statements of consent and other written comments received, and a copy of all requests for consent (with return receipts) sent to parties that did not provide written statements of consent or other written comments within 60 days of their receipt of such requests.

If a party does not respond to a statement of consent request within 60 days, or refuses to issue a written statement of consent for the proposed amendment, the Department will take into consideration the reasons for such action or inaction, if known.

If you have any questions, please contact me at (609) 633-1179.

Sincerely,



Deborah A. Bechtel

Supervising Environmental Specialist
Office of Environmental Planning

Enclosures

MEG/Hilsbo

c: Anthony McCracken, Somerset County Planning
Sandra Remboske, Office of Environmental Planning

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF ENVIRONMENTAL PLANNING

AMENDMENT TO THE UPPER RARITAN WATER QUALITY MANAGEMENT
PLAN

Public Notice

The New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Upper Raritan Water Quality Management (WQM) Plan. This amendment proposal, submitted on behalf of Hillsborough Township, would modify the Hillsborough Township Wastewater Management Plan (WMP) to address three proposed developments within the Township. The Somerset Raritan Valley Sewerage Authority (SRVSA) sewer service area would be expanded to include the Planned Adult Community/Health Care Facility (PAC/HCF) [Lots 1, 6, 10A, 13, 27, 28, 34, 44, and 44A, Block 11; Lots 26, 27, 28, 29A, 33, 44, 45 and 47; Block 12] and Paddocks at Blackwell's Mill [Lot 48.03, Block 205] developments. Additionally, some properties [Lots 25, 28.01, 29, 30 and 35, Block 11; Lots 12, 29, 29B, 32, 33A, 33B, 33C, 33D, 33E, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44A, 44.02, 44.03, 45A, 45B, 45C, 45D and 45.05, Block 12] adjacent to the PAC/HCF would be included within the SRVSA sewer service area. The projected wastewater flow from the PAC/HCF is 1.7444 million gallons per day (mgd), from the lots adjacent to the PAC/HCF is 0.0115 mgd and from Paddocks 0.0177 mgd. The total projected future year 2014 wastewater flow from Hillsborough Township to SRVSA is 9.15 mgd.

Also proposed is a discharge to ground water facility to serve the Royce Brook Golf Club [Lot 38, Block 183]. The projected wastewater flow from this development is 6,505 gallons per day.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

This notice is being given to inform the public that a plan amendment has been proposed for the Upper Raritan WQM Plan. All information relating to the WQM Plan, and the proposed amendment is located at the Department, Office of Environmental Planning, CN418, 401 East State Street, Trenton, New Jersey 08625. It is available for inspection between 8:30 a.m. and 4:00 p.m., Monday through Friday. An appointment to inspect the documents may be arranged by calling the Office of Environmental Planning at (609) 633-1179.

Interested persons may submit written comments on the amendment to Martin A. Bierbaum, Ph.D., Office of Environmental Planning, at the Department address cited above with a copy sent to Mr. Robert B. Heibell, PE & LS Partner, Van Cleef Engineering Associates, P.O. Box 399, Amwell Road, Belle Mead, New Jersey 08502. All comments must be submitted within 30 days of the date of this public notice. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by the Department with respect to the amendment request.

Any interested person may request in writing that the Department hold a nonadversarial public hearing on the amendment or extend the public comment period in this notice up to 30 additional days. These requests must state the nature of the issues to be raised at the proposed hearing or state the reasons why the proposed extension is necessary. These requests must be submitted within 30 days of the date of this public notice to Dr. Van Abs at the Department address cited above. If a public hearing is held, the public comment period in this notice shall be extended to close 15 days after the public hearing.

ATTACHMENT
STATEMENT OF CONSENT

IND

A RESOLUTION CONSENTING TO THE PROPOSED WATER
QUALITY MANAGEMENT (WQM) PLAN AMENDMENT
ENTITLED: _____

WHEREAS, the _____ desires to provide for the orderly development of wastewater facilities (substitute other wording if appropriate) within _____; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy (NJDEPE) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEPE has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on _____ for (insert name of amendment) has been prepared by _____;

NOW, THEREFORE, BE IT RESOLVED on this _____ day of _____, 19__, by the governing body of the _____ that:

1. The _____ hereby consents to the amendment entitled _____, and publicly noticed on _____, prepared by _____, for the purpose of its incorporation into the applicable WQM plan(s).

2. This consent shall be submitted to the NJDEPE in accordance with N.J.A.C. 7:15-3.4.

I do hereby certify that the foregoing is a true copy of a Resolution passed by _____ at a meeting duly held on _____.

CONSENT/SR2/93

Re: (name of amendment)
Proposed Amendment to the _____ Water Quality Management
(WQM) Plan

Dear _____:

The purpose of this letter is to request a written statement of consent from your (agency/municipality) for the above-cited proposed WQM plan amendment. State of New Jersey regulations (N.J.A.C. 7:15) require that all governmental entities, sewerage agencies, and BPU-regulated sewer and water utilities that may be affected by, or otherwise have a substantial interest in, approval of the amendment proposal, shall be requested to issue a written statement of consent. In consideration of this requirement, the governing body of your (agency/municipality) is hereby requested to issue a statement of consent on the attached amendment proposal. A statement of consent by a governmental unit shall be in the form of a resolution by that unit's governing body.

Pursuant to N.J.A.C. 7:15-3.4, this written statement of consent is required within sixty days of your receipt of this letter. Attached as an aid to you to ensure that the resolution is satisfactorily worded, is a "model" resolution. Should you determine that the governing body does not support the amendment proposal, it may submit a resolution to that effect, which shall specify the reasons why the amendment proposal is not supported. A copy of the resolution should be sent to us as well as to the New Jersey Department of Environmental Protection and Energy, Office of Land and Water Planning, CN-423, 4th Floor, Trenton, New Jersey.

Please be aware that if you do not submit the requested resolution, the New Jersey Department of Environmental Protection and Energy has the option of still considering approval of the proposed amendment. Therefore, it is in your best interest to submit a resolution on the amendment proposal.

If you have any questions on this matter, please call me at _____.

Sincerely,

Attachment
RESO/SR2/93

EXHIBIT O



Township of Hillsborough

COUNTY OF SOMERSET
MUNICIPAL BUILDING
AMWELL ROAD
NESHANIC, NEW JERSEY 08853

TELEPHONE
(908) 369-4313

STATEMENT OF CONSENT
A RESOLUTION CONSENTING TO THE PROPOSED WATER
QUALITY MANAGEMENT (WQM) PLAN AMENDMENT
ENTITLED: AMENDMENT OF THE WASTEWATER MANAGEMENT PLAN FOR
HILLSBOROUGH TOWNSHIP, SOMERSET COUNTY, NEW JERSEY

WHEREAS, the Township of Hillsborough desires to provide for the orderly development of wastewater facilities within the Township of Hillsborough; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy (NJDEPE) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEPE has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on July 17, 1995 for the Township of Hillsborough has been prepared by Van Cleef Engineering Associates.

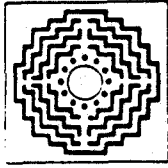
NOW, THEREFORE, BE IT RESOLVED on this 25th day of July, 1995, by the governing body of the Township of Hillsborough that:

1. The hereby consents to the amendment entitled "Amendment of the Wastewater management Plan for Hillsborough, Somerset County, New Jersey", and publicly noticed on July 17, 1995 prepared by Van Cleef Engineering Associates, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEPE in accordance with N.J.A.C. 7:15-3.4.

I, Gregory J. Bonin, Deputy Township Clerk, hereby certify that the above resolution is a true and correct copy of a resolution adopted by the Township Committee of the Township of Hillsborough at a regular and duly convened meeting held on July 25, 1995.

In witness thereof I have set my hand and affixed the seal of the Township of Hillsborough this 26th day of July 1995.

EXHIBIT P



KINSEY & HAND

14 Aiken Avenue
Princeton, NJ 08540
Tel (609) 924-4990
Fax (609) 924-4107

July 31, 1995

Martin A. Bierbaum, Ph.D., Administrator
Office of Environmental Planning
New Jersey Department of Environmental Protection
401 East State Street, CN 418
Trenton, New Jersey 08625-0418

Re: Proposed Amendment to Upper Raritan Water Quality Management Plan
(Proposed 1995 Amendment to Hillsborough Township Wastewater Management Plan)

Dear Dr. Bierbaum:

I write, in response to the July 17, 1995, Public Notice in the *New Jersey Register*,¹ to comment on the proposed amendment to the Upper Raritan Water Quality Management (WQM) Plan that would amend the Hillsborough Township Wastewater Management Plan to expand its sewer service area to include the sites of three proposed developments in Hillsborough. I submit these comments on behalf of P.E.C. Builders, Inc., a developer based in Westfield, NJ, which owns property in Hillsborough.

I offer five comments for the Department's consideration. In brief, the Department should reject the proposed amendment as it does not comport with the 1992 State Development and Redevelopment Plan ("State Plan"). The proposed amendment would sewer hundreds of acres of farms mapped as Rural Planning Area in the State Plan (see the enclosed map and Attachment A), making possible intense residential development without any formal Center designation by the State Planning Commission, contrary to the State Plan. This is an important case, testing how the Department will implement the fundamental goals, principles, and policies of the State Plan.

As these comments focus on the proposed expansion of Hillsborough's sewer service area to sewer the proposed Planned Adult Community/Health Care Facility ("PAC/HCF"), a brief description of this proposal is essential. This is particularly important because the proposed amendment does not describe meaningfully this project or its environment.

¹ 27 N.J.R. 2805.

The Hillsborough PAC/HCF

The Hillsborough PAC/HCF is a proposed 10,614 unit, 40 year buildout, 95% age-restricted, inclusionary development (combining market-priced and low and moderate income housing). If built, it would double the number of dwelling units in Hillsborough. The project would have a population of more than 20,000 people. If built, its population would be larger than 19 of Somerset County's 21 municipalities, i.e., all but Franklin Township, Bridgewater Township, and Hillsborough.

This gigantic development is proposed for a 742 acre tract of predominantly actively farmed land with ten different property owners. The tract is located in rural western Hillsborough, halfway between Flemington and Somerville. Most of the tract is outside of the current sewer service area approved by the Department, as shown on Attachment B, an annotated excerpt of the 1988 Hillsborough Wastewater Management Plan.

The tract stretches two miles east from River Road (Somerset County Route 567, which runs along the South Branch of the Raritan River) and extends about one mile in a north-south direction from the CONRAIL line to Amwell Road (Somerset County Route 514). Dead-end, 1½ mile long Mill Lane, a narrow country lane without shoulders, bisects the tract. This 742 acre tract currently has several farmsteads, various barns and farm buildings, a small NJ Bell switching building, a nursing home on a 15 acre site, a grass landing strip, some wetlands, a pond, several streams, some woods, and hundreds of acres of actively farmed fields. The tract's irregular boundary avoid several farmsteads, a cemetery, and about 30 houses strung along Mill Lane, Amwell Road, and River Road. Attachment C is a July 1995 panoramic photograph of the southern portion of the tract, with a view over farm fields to the Sourland Mountains.

The entire tract, the developed residential lots it surrounds, and adjacent lands to the north, west, and south, are all currently zoned Rural/Agricultural (AG) by the Township, with a minimum lot size of three acres for detached houses and two acres for clustered single-family houses. A substantial portion of the tract is depicted on the current Township Zoning Map as an Airport Hazard Zone, surrounding the grassy landing strip on the tract between Mill Lane and Amwell Road.

The Township's Development Regulations authorize a PAC/HCF overlay zone for huge projects that meet four basic requirements: (a) a minimum of 450 contiguous acres, (b) age-restriction generally to residents 55 years and older for 95% of the units, (c) health-care facilities and support services as determined by the Township Planning Board, and (d) Township Planning Board classification of the project as a PAC/HCF and approval of a general

development plan for the entire project.² The Township Planning Board approved a general development plan for the PAC/HCF Joint Venture in December 1991.

Attachment D reproduces a reduction of the general development plan for this tract approved by Hillsborough in 1991, depicting the tract's irregular boundary, its various out parcels, and the general land use plan for the project. This plan shows, conceptually, areas for various land uses, as well as a 36 hole golf course and maintaining the landing strip. It is interesting to note that the approved general development plan assumes residential densities of up to 79 units per acre! The gross density of the 742 acre project could range from 9.7 units/acre to 14.3 units/acre. Only 10% of the tract would be devoted to health care facilities. No application has been submitted yet to the Township Planning Board for a first phase preliminary subdivision and/or site plan approval. No construction has been authorized by the Township and no construction of the project has taken place.

As most of the PAC/HCF tract is outside the current Department-approved sewer service area, the Township has proposed to expand the sewers service area into this undeveloped land, including the out parcels, the existing developed lots along Mill Lane, and all lands between the CONRAIL line and the tract, as shown on Attachment E.

Comments on the Proposed Amendment

- 1. The amendment proposes to expand the sewer service area into undeveloped land mapped Rural Planning Area (PA 4) in the 1992 State Development and Redevelopment Plan, without formal "Center" designation of the PAC/HCF area by the State Planning Commission.**

The State Plan, adopted June 12, 1992, by the State Planning Commission, and its Resource Planning and Management Map ("RPMM"), mapped the vast majority of the proposed expanded sewer service area in western Hillsborough as Rural Planning Area (PA 4), as shown on the attached map I prepared entitled "1992 New Jersey State Plan and Proposed Sewer Service Areas in Hillsborough Township, Somerset County, NJ, 1995" (see Attachment A).

Attachment A superimposes the State Plan's planning area boundaries on the proposed sewer service area map for Hillsborough that is the essence of the pending proposed amendment to the Upper Raritan Water Quality Management Plan. Attachment A is a reduction, to 11"x17" format, of this map, whose original scale is 1"=2,000'. A copy of this composite map of the State Plan and the proposed sewer service areas at the original scale is also enclosed for your convenience. This map shows clearly the hundreds of undeveloped acres of Rural Planning Area that are proposed to be sewered under the proposed amendment. Both the

²Township of Hillsborough, Development Regulations, §77-91.1.

Martin A. Bierbaum Ph.D.
NJDEP, Office of Environmental Planning
Re: Proposed Amendment to Upper Raritan Water Quality Management Plan
(Proposed 1995 Amendment to Hillsborough Township Wastewater Management Plan)
August 1, 1995
page 4

sewer service area map and the Resource Planning and Management Map quadrangles are at the same scale, i.e., 1"=2,000'.³

To place this proposed sewer service area expansion in its broader regional and state-wide context, Attachment F shows the location of the PAC/HCF tract on a portion of the state-wide Resource Planning and Management Map of the State Plan, at its original scale of approximately 1" = 4 miles. This map shows clearly how the proposed sewer service area expansion in western Hillsborough would interrupt and constrict a broad contiguous swath of Rural Planning Area (PA 4) and Environmentally Sensitive Planning Area (PA 5) that extends more than 20 miles from the Delaware River at Lambertville to the Raritan River at Somerville.

These State Plan Planning Area boundaries in Hillsborough were developed jointly by Hillsborough, the Somerset County Planning Board, and the Office of State Planning during 1989-1991, without dispute, during the "cross-acceptance" planning process established by the State Planning Act. The Planning Area boundaries adopted in 1992 for Hillsborough are identical to the Planning Area boundaries mapped in the 1991 Interim State Plan, released July 12, 1991. The 1991 Interim Plan identified six locations for Centers in Hillsborough, and did not identify the PAC/HCF tract as a Center. The 1992 State Plan identified seven locations for Centers in Hillsborough, adding the PAC/HCF tract as a Planned Village Center. However, as you are well aware, Center "identification" is not the same as formal Center "designation" by the State Planning Commission.⁴

The 1992 State Plan strongly and repeatedly encourages new development in the Rural Planning Area to take place in Centers, in order to enhance agricultural viability and rural character, and maintain large contiguous areas of open space. The State Plan also encourages appropriate infrastructure, such as sewers, in the Rural Planning Area to support Centers. Attachment G reproduces, in their entirety, the five pages of the 1992 State Plan on the Rural Planning Area. The proposed amendment to the Upper Raritan Water Quality Management Plan, which would extend the sewer service area to hundreds of acres of the Rural Planning Area without Center designation, is clearly contrary to the State Plan. It would destroy the agricultural viability and rural character of the area and disrupt a large contiguous area of open space.

³ The Department has issued a "Wastewater Management Plan, (WMP) Format and Content Summary (Checklist)," dated 5/20/93, that inexplicably states that "The State Development/Redevelopment Plan should not be used as a basis for the WMP, as it does not have sufficient resolution." The resolution of the RPMM quadrangles is the exact same resolution as the sewer service area boundaries in a WMP, as they are prepared at identical scales, as demonstrated by the enclosed map and Attachment A.

⁴ N.J.A.C. 17:32-8.

Martin A. Bierbau, h.D.
NJDEP, Office of Environmental Planning
Re: Proposed Amendment to Upper Raritan Water Quality Management Plan
(Proposed 1995 Amendment to Hillsborough Township Wastewater Management Plan)
July 31, 1995
page 5

2. The proposed amendment is contrary to the Governor's Executive Order No. 114 (1994) on the 1992 State Development and Redevelopment Plan.

The Governor's Executive Order No. 114 (1994) on the State Plan (see Attachment H) directed all State Departments and agencies to take various actions to implement the State Plan. Two specific directives from that Executive Order are most germane to the proposed amendment to the Upper Raritan Water Quality Management Plan. First, State agencies are directed to "...encourage growth and development and direct infrastructure to locations and in patterns recommended by the strategies and policies contained in the State Plan. Second, State agencies are directed to "Adopt policies which facilitate the establishment of development 'centers' and encourage development which is consistent with the policy objectives of 'planning areas' which constitute the 'resource and management structure' of the State Plan."

The proposed amendment is contrary to both of these directives.

First, the proposed amendment would direct wastewater infrastructure to a Rural Planning Area without Center designation, which is contrary to the State Plan.

Second, the Department should reject the proposed amendment as it is clearly not consistent with the policy objectives of the State Plan for the Rural Planning Area. Indeed, the proposed sewer service area expansion to include the PAC/HCF tract would unquestionably lead to far-reaching, region-shaping, irrevocable direct and secondary environmental impacts, particularly concerning farmland, open space, scenic resources, stormwater management, water quality, historic preservation, and traffic, all in a manner contrary to the State Plan's intention for the Rural Planning Area.

3. The proposed amendment is contrary to the 1993 Memorandum of Understanding between the Department and the State Planning Commission.

In 1993 the Department and the State Planning Commission executed a Memorandum of Understanding on cooperative implementation of the State Plan. The two agencies agreed on several tasks, including to "...establish policies to facilitate the development of 'centers' and to encourage development in ways consistent with the policy objectives of the 'planning areas' constituting the 'resource and management structure' of the Plan."

The proposed amendment to the Upper Raritan Water Quality Management Plan is clearly inconsistent with the policy objectives of the State Plan for the Rural Planning Area and is the antithesis of facilitating development of Centers.

The Department has discretion within its rules to implement the State Plan. After all, the rules on wastewater management plans call for each wastewater management plan to provide

"cost-effective, environmentally sound wastewater management..."⁵ What could be more "environmentally sound" than the 1992 State Plan? Furthermore, the Department has publicly recognized this discretion, in its comments on the readoption in 1994 of the Statewide Water Quality Management Planning Rules. The Department stated that:

"The Department has some latitude within the existing rules to consider environmental impacts similar to those highlighted by the State Development and Redevelopment Plan and will work to ensure that the Areawide Water Quality Management Plans do not work [sic] conflict with goals of the State Development and Redevelopment Plan to the extent possible."⁶

The Department should evaluate and consider explicitly the likely environmental impacts of expanding the sewer service area into western Hillsborough and its Rural Planning Area without Center designation, contrary to the State Plan.

4. **The 1994 Somerset County Planning Board staff recommendation concerning the PAC/HCF and sewer service was based on the erroneous impression that Hillsborough Township was in the process of obtaining Center designation for the PAC/HCF area.**

The proposed amendment includes and cites a July 21, 1994 "Letter of Recommendation for the PAC/HCF amendment" from the Anthony V. McCracken, Sr., Administrative Planner, Somerset County Planning Board. The letter suggested that Hillsborough Township pursue an individual wastewater management plan amendment for the sewer service area expansion for the PAC/HCF tract, in advance of the Somerset County Upper Raritan Wastewater Management Plan then being prepared by the Somerset County Planning Board. The McCracken letter stated: "We are aware that during the State Cross Acceptance process Hillsborough identified this area as a Planned Village Center and is currently beginning the process of obtaining a Village Center."

However, that was an erroneous impression, as Hillsborough Township is not in the process of obtaining Center designation from the State Planning Commission. No formal Center designation for a "Planned Village Center" is pending before the State Planning Commission. In fact, Hillsborough Township has no intention of pursuing Center designation. The Somerset County Planning Board staff had explicitly recommended in May 1994 to Hillsborough Township that the Township work with the Somerset County Planning Board on Center designation for the PAC/HCF tract.⁷ The Somerset County Planning Board staff reiterated that recommendation in

⁵ N.J.A.C. 7:15-18(a)1.

⁶ 26 N.J.R. 4183.

⁷ Letter from Thomas R. D'Amico, Principal Planner, Somerset County Planning Board, to Thomas Bates, Chairman, Hillsborough Township Planning Board, May 5, 1994.

Martin A. Bierbau h.D.
NJDEP, Office of Environmental Planning
Re: Proposed Amendment to Upper Raritan Water Quality Management Plan
(Proposed 1995 Amendment to Hillsborough Township Wastewater Management Plan)
July 31, 1995
page 7

February 1995.⁸ Instead, in March 1995 Hillsborough petitioned the New Jersey Council on Affordable Housing ("COAH") to waive the COAH requirement for Center designation for the PAC/HCF tract, as an inclusionary development, in the State Plan's Rural Planning Area (PA 4). P.E.C. Builders, Inc. has objected to this and other aspects of the 1995 Hillsborough Township Housing Element and Fair Share Plan and the matter is currently in mediation before COAH.

5. The proposed amendment is contrary to the Somerset County Master Plan.

The Department's rules call for sewer service areas in wastewater management plans to be consistent with county master plans or specifically identify any inconsistencies and provide compelling reasons for the inconsistencies.⁹

The proposed amendment is contrary to the 1987 *Somerset County Master Plan*, which placed the vast majority of the proposed expanded sewer service area in western Hillsborough in the County's "rural preservation area" on the Land Use Management Map of the *Somerset County Master Plan*.¹⁰ The County's planning strategies in this "rural preservation area" include "Preserve prime agricultural land and essential support facilities ..." and "Discourage the construction or extension of centralized sewerage systems and water supply into areas deemed inappropriate for intensive development ..." In addition, the 1994 *Somerset County Parks, Recreation and Open Space Master Plan, Greenway to the Future*, shows two greenway networks through and along the western portion of the PAC/HCF tract: a greenway along the open space corridor of the South Branch of the Raritan River and a greenway link between the County's Sourlands Mountain Preserve and Branchburg Township. Finally, Somerset County has designated River Road, on the western edge of the PAC/HCF tract, as a "Scenic Road" in the recently adopted *Somerset County Circulation Element Update*.

The proposed amendment does not identify these inconsistencies and does not provide any reasons, let alone compelling reasons, for these inconsistencies.

In addition to these comments, I request that the Department hold a public hearing on the proposed amendment and extend the comment period for at least 30 days. The basic issue to be addressed at the public hearing is how the proposed amendment comports with the State Plan. The reason for the hearing and extension is to provide an opportunity for local

⁸ Letter from Robert Bzik, Planning Director, Somerset County Planning Board, to Mayor Kenneth C. Scherer, Hillsborough Township, February 22, 1995.

⁹ N.J.A.C. 7:15-5.18(b).

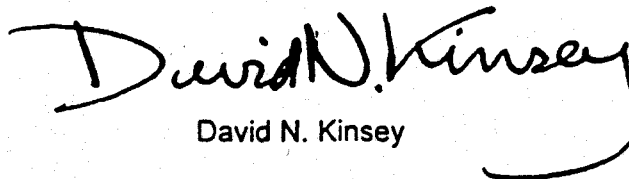
¹⁰ Letter from Thomas R. D'Amico, Principal Planner, Somerset County Planning Board, to Thomas Bates, Chairman, Hillsborough Township Planning Board, May 5, 1994, page 2.

Martin A. Bierba Ph.D.
NJDEP, Office of Environmental Planning
Re: Proposed Amendment to Upper Raritan Water Quality Management Plan
(Proposed 1995 Amendment to Hillsborough Township Wastewater Management Plan)
July 31, 1995
page 8

governments, public interest groups, and citizens to become aware of this issue and express their views on the importance of maintaining and implementing the State Plan.

This region-shaping decision will test whether land use drives infrastructure decision-making in New Jersey, and not vice versa, so that centered growth, not more sprawl and scattered development, will be the hallmark of the conservation and careful, compact development of New Jersey's rural areas in the decades to come.

Sincerely yours,

A handwritten signature in black ink that reads "David N. Kinsey". The signature is written in a cursive style with a large, sweeping "D" and a long, horizontal tail stroke.

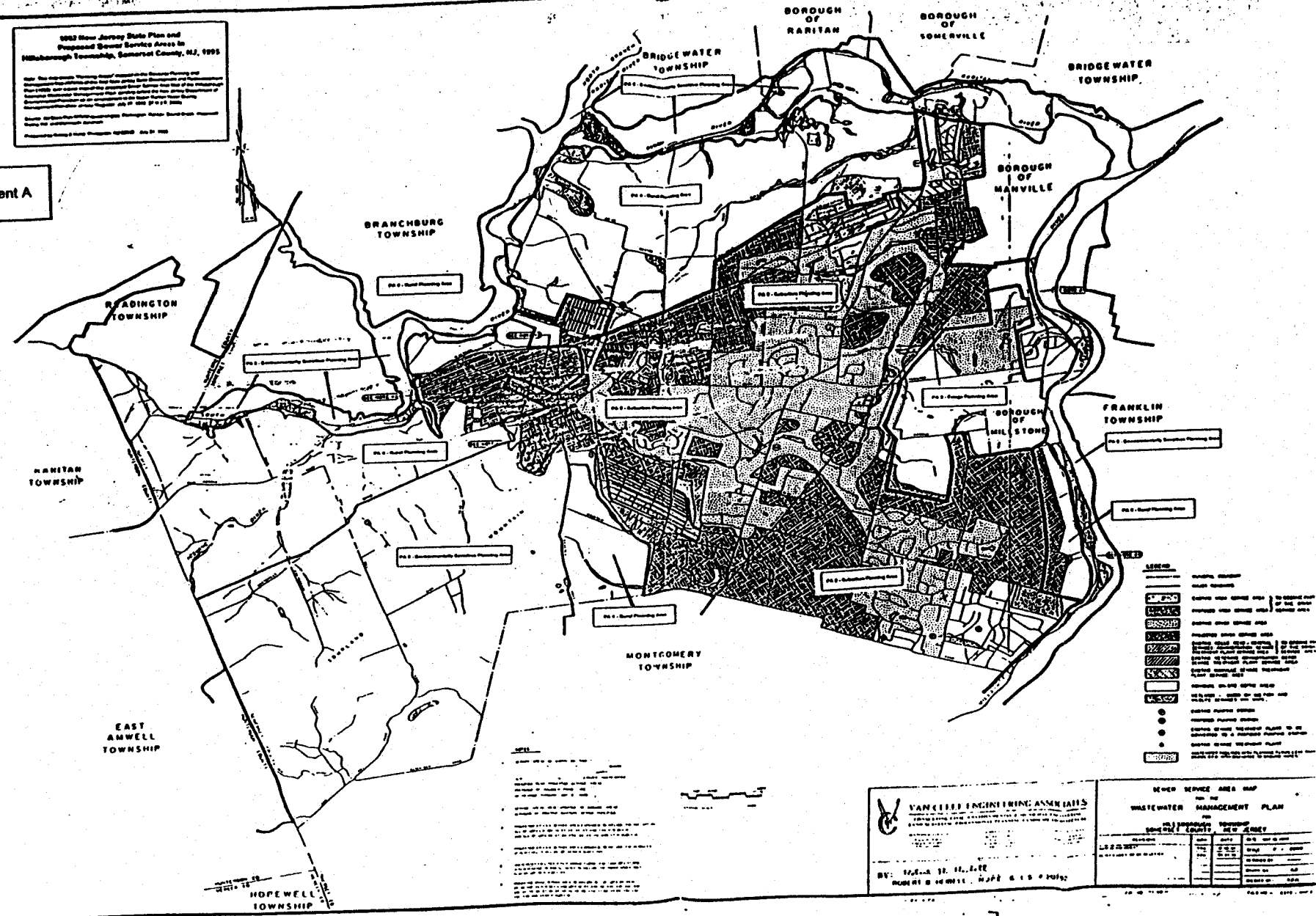
David N. Kinsey

cc: Robert B. Heibell, PE, Van Cleef Engineering Associates
Anatol Hiller, P.E.C. Builders, Inc.
Ronald L. Schimanowitz, Esq.
Evan S. Ravich, Esq.
Herbert Simmens, Office of State Planning
Robert P. Bzik, Somerset County Planning Board
John W. Kellogg, Hunterdon County Planning Board
Attachments

**1982 New Jersey State Plan and
Proposed Sewer Service Areas in
Millborough Township, Somerset County, NJ, 1991**

Note: This map shows the proposed sewer service areas for the Millborough Township, Somerset County, New Jersey, as of the year 1991. The map is based on the 1982 New Jersey State Plan and the proposed sewer service areas for the year 1991. The map is not to scale and is for informational purposes only. The map is subject to change without notice. The map is the property of the Millborough Township and is not to be used for any other purpose without the written consent of the Millborough Township. The map is not to be used for any other purpose without the written consent of the Millborough Township. The map is not to be used for any other purpose without the written consent of the Millborough Township.

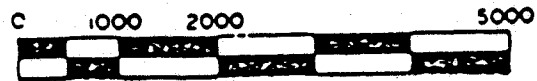
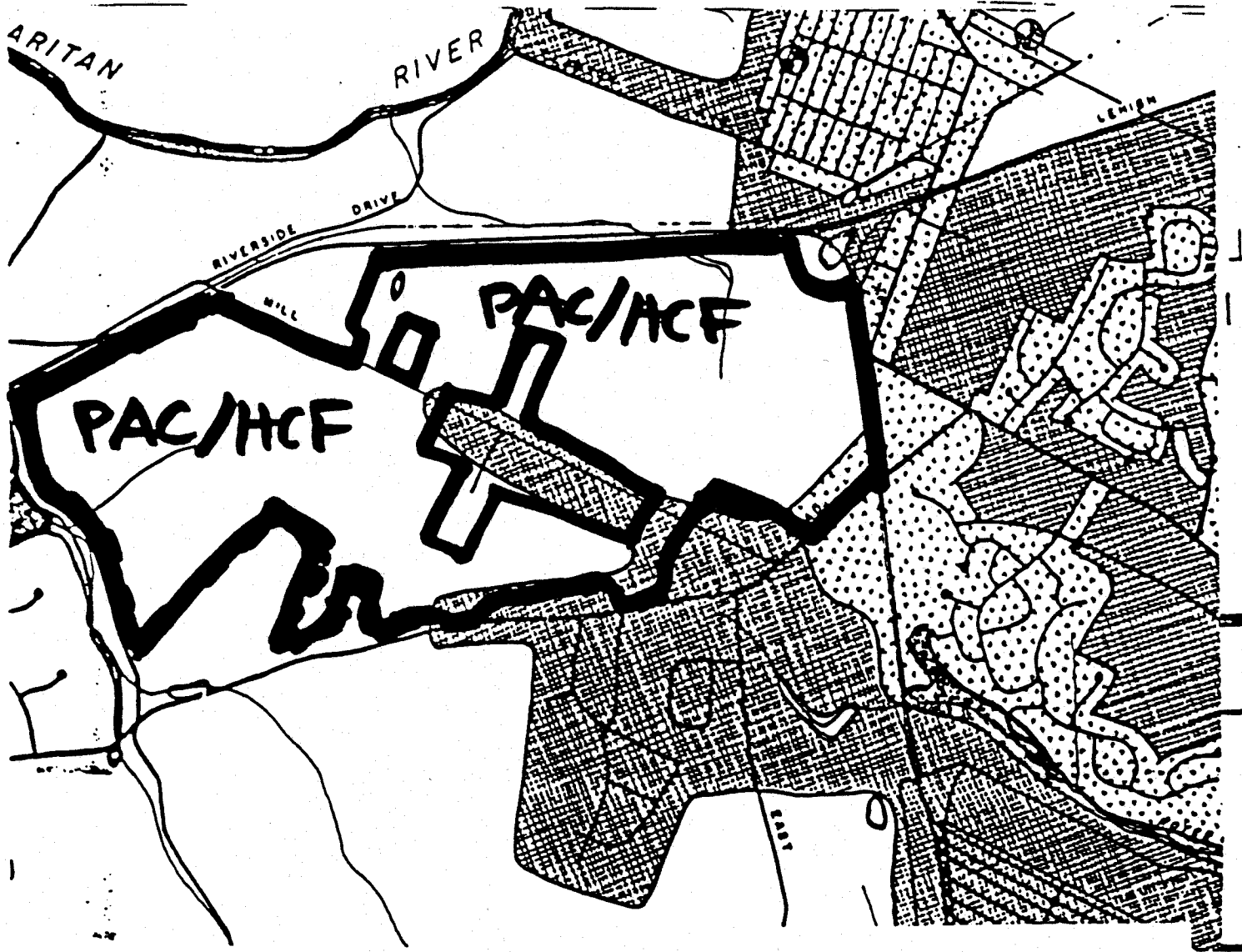
Attachment A







YANCEY ENGINEERING ASSOCIATES PROFESSIONAL ENGINEERS AND ARCHITECTS 1000 ROUTE 100, SUITE 100 MILLBOROUGH, NEW JERSEY 08866		SEWER SERVICE AREA MAP FOR THE WATERWORKS MANAGEMENT PLAN FOR MILLBOROUGH TOWNSHIP, NEW JERSEY	
PROJECT NO. 100-100 SHEET NO. 100-100-1	DATE: 10/1/82 BY: ROBERT B. HUNTER ROBERT B. HUNTER, P.E. ROBERT B. HUNTER, P.E. & ASSOCIATES	SCALE: AS SHOWN DRAWN BY: J.M. CHECKED BY: J.M. APPROVED BY: J.M.	DATE: 10/1/82 BY: J.M. CHECKED BY: J.M. APPROVED BY: J.M.

[further reduced for size]

Attachment B: 1988 Hillsborough Wastewater Management Plan and the PAC/HCF Tract

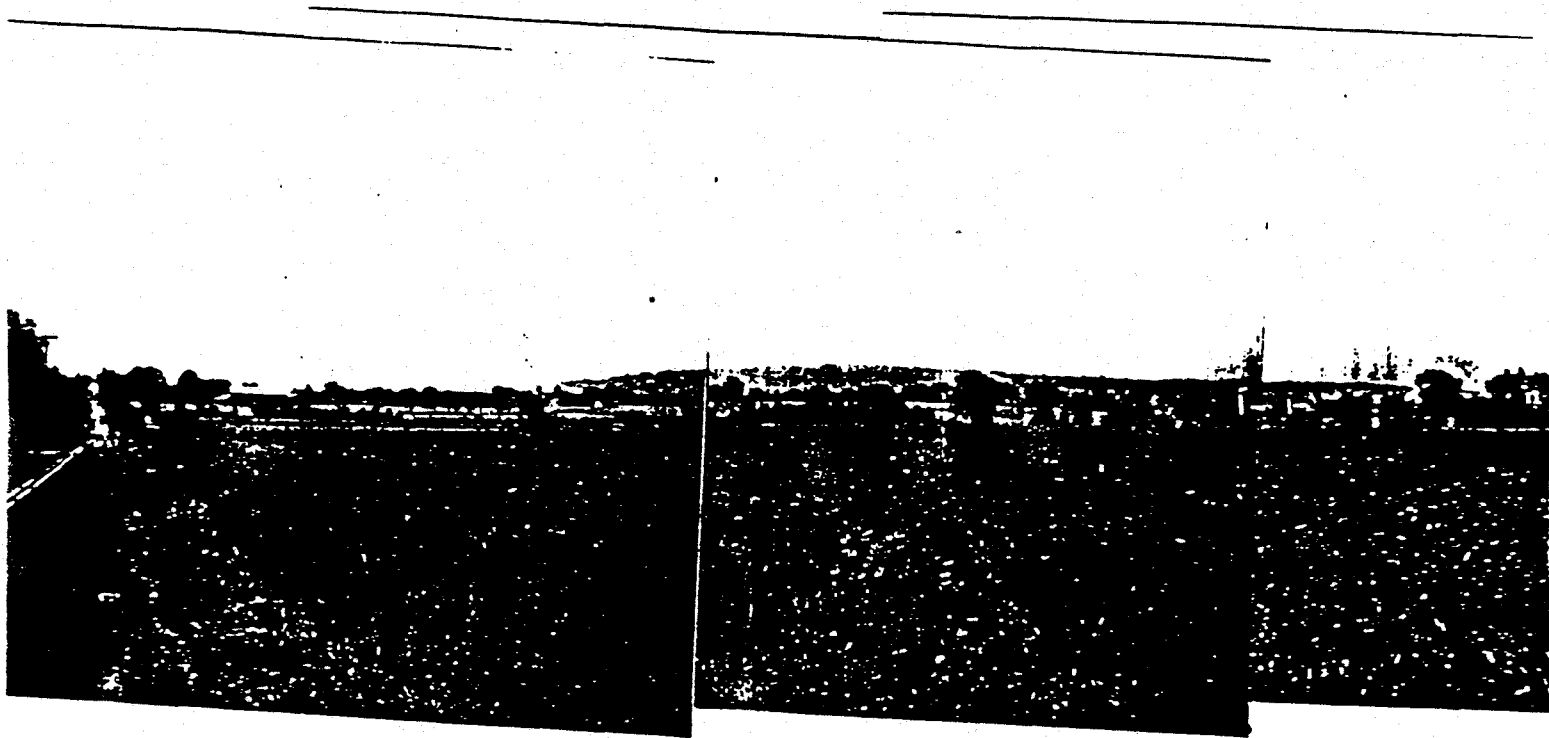


GRAPHIC SCALE 1" = 2000'

- MUNICIPAL BOUNDARY
 - MAJOR ROADWAYS
 -  EXISTING VRSA SERVICE AREA
 -  PROPOSED VRSA SERVICE AREA
 -  EXISTING SRVSA SERVICE AREA
 -  PROJECTED SRVSA SERVICE AREA
- } TO BECOME PART OF THE SRVSA SERVICE AREA

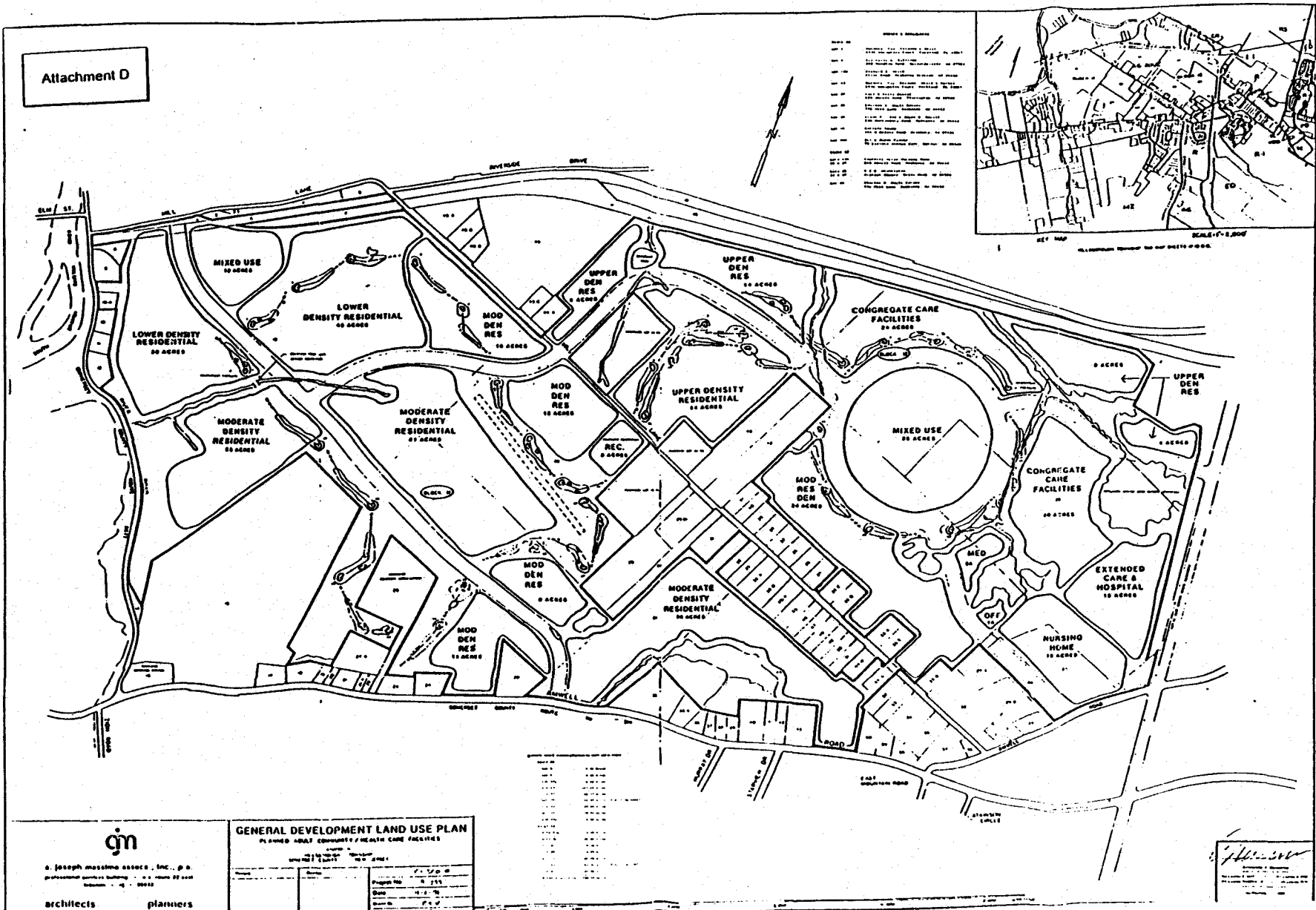


Attachment C: 1995 View South of PAC/HCF Tract Farm Fields and Sourland Mountains

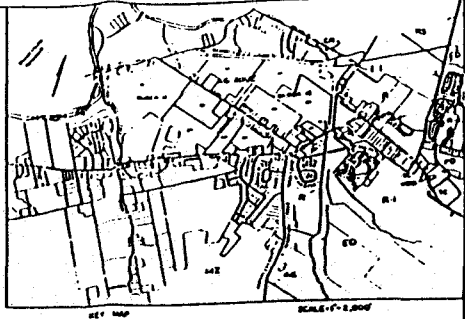


Photograph by David N. Kinsey, July 13, 1995

Attachment D



- | NO. | DESCRIPTION |
|-----|------------------------------------|
| 101 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 102 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 103 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 104 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 105 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 106 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 107 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 108 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 109 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 110 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 111 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 112 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 113 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 114 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 115 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 116 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 117 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 118 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 119 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 120 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 121 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 122 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 123 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 124 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 125 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 126 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 127 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 128 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 129 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 130 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 131 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 132 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 133 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 134 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 135 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 136 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 137 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 138 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 139 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 140 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 141 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 142 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 143 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 144 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 145 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 146 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 147 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 148 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 149 | UPPER DENSITY RESIDENTIAL 55 ACRES |
| 150 | UPPER DENSITY RESIDENTIAL 55 ACRES |



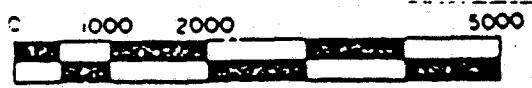
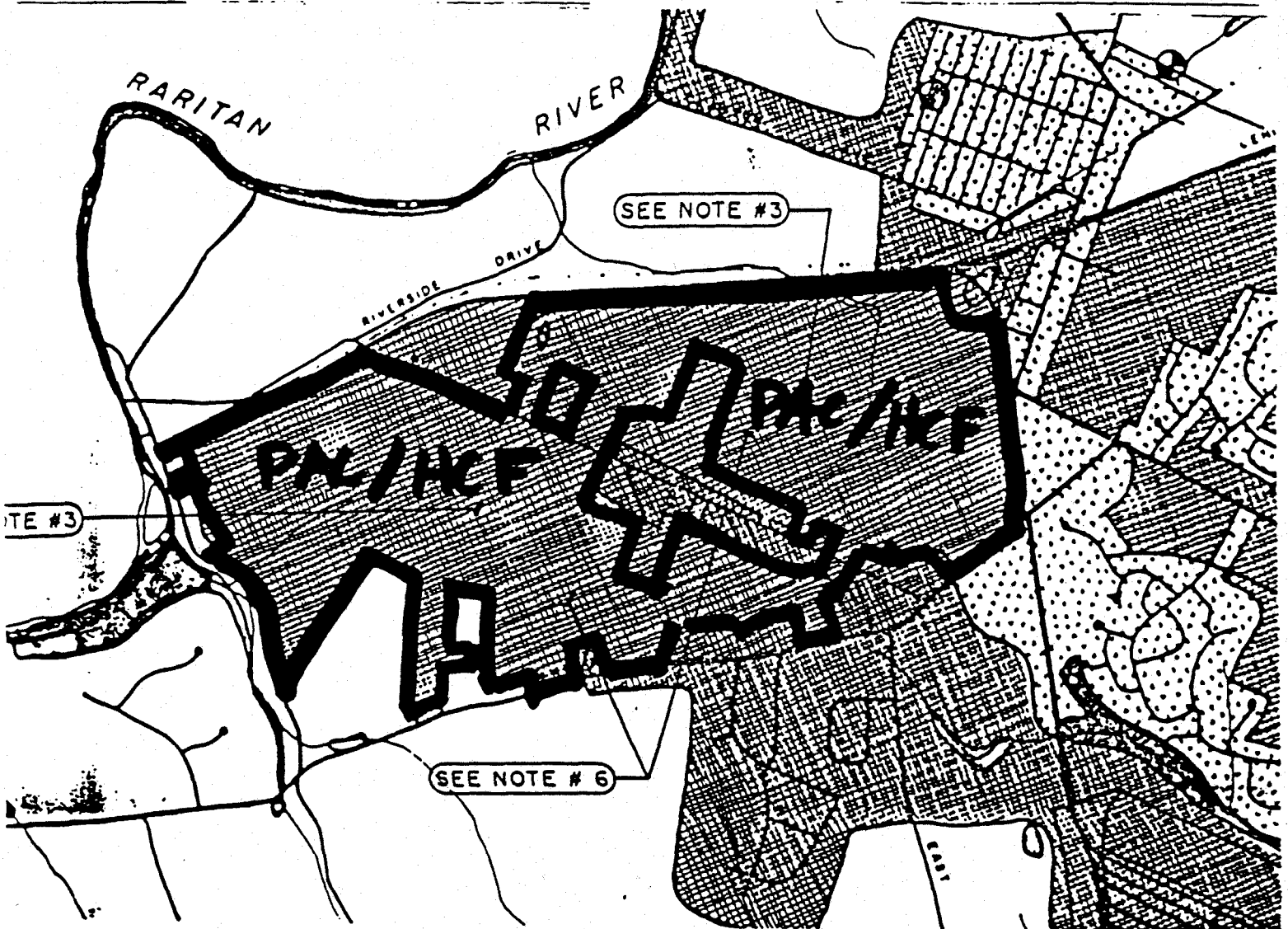
[further reduced for size]





Joseph Massimo Associates, Inc. p.a.
professional services building • 200 South 37 Street
Pasadena • CA • 91105

architects planners

GENERAL DEVELOPMENT LAND USE PLAN	
PLANNED ADULT COMMUNITIES / HEALTH CARE FACILITIES	
Project No.	10-111
Date	1-1-75
Scale	P.S.D.
Author	J.M.A.

Attachment E: Pending 1995 Amendment to Hillsborough Wastewater Management Plan and the PAC/HCF Tract



- MUNICIPAL BOUNDARY
 - MAJOR ROADWAYS
 -  EXISTING VRSA SERVICE AREA
 -  PROPOSED VRSA SERVICE AREA
 -  EXISTING SRVSA SERVICE AREA
 -  PROJECTED SRVSA SERVICE AREA
- } TO BECOME PART OF THE SRVSA SERVICE AREA



1992 New Jersey State Development and Redevelopment Plan
Location of Proposed Planned Adult Community/Health Care Facility
(PAC/HCF) in Hillsborough Township, Somerset County, 1995

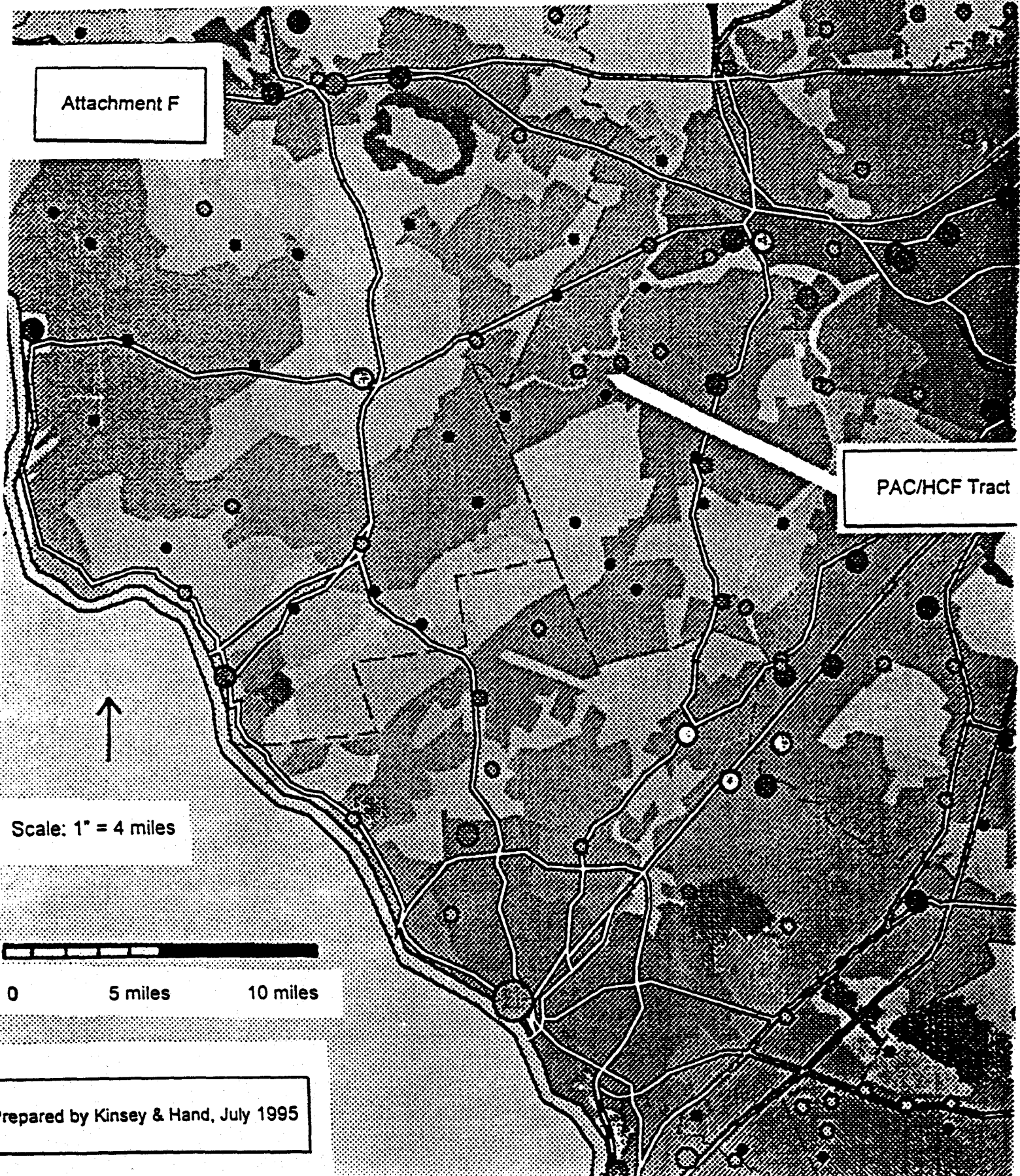
Attachment F

PAC/HCF Tract

Scale: 1" = 4 miles

0 5 miles 10 miles

Prepared by Kinsey & Hand, July 1995



Resource Planning and Management Structure

land. If a viable agricultural industry is to be sustained in the future, the conversion of some of these lands to nonfarm uses must be sensitive to the Area's predominant rural character and agricultural land base.

Intent

The State Development and Redevelopment Plan responds to the mandate of the State Planning Act to protect agricultural lands. It fulfills this goal by encouraging future rural development in a form that supports, rather than conflicts with, the Area's predominant rural character and agricultural land base. The State Plan recommends a pattern of development in Planning Area 4 that promotes a stronger rural economy in the future while meeting the immediate needs of rural residents. First, the Plan recognizes that the State's economic growth in the future, like that of the rest of the nation, will be considerably slower than in the 1980s. To accommodate an appropriate level of growth, therefore, rural areas will need strong economic centers. These centers will attract private investment that otherwise might not occur. Second, the Plan recognizes the need to locate certain farm services and businesses (e.g., farm suppliers, processors and marketing services) in Planning Area 4, but it encourages and promotes their concentration within Centers supported by the necessary infrastructure and investment. Accordingly, the Plan recommends strengthening the economic capacities of exist-

4. RURAL PLANNING AREA (PA4)**General Description**

The Rural Planning Area includes large masses of undeveloped land interspersed by sparse residential, commercial and industrial development; wooded tracts; rural towns and villages; and most of the State's prime farmland. The Area also includes lands related to other rural economic activities such as resource extraction and fishing. With respect to agriculture, these lands are currently under cultivation and are the State's most productive. They also have the greatest potential of sustaining continued agricultural activities in the future. Their location, current use and high soil quality distinguish them from agricultural lands in other Planning Areas.

In the major farming regions of the State, adequate water resources and large, contiguous tracts of land with minimal land-use conflicts are essential to sustaining successful farming operations and farmland productivity. Acceptable farming practices can protect prime, fertile soils. Prudent land development practices are required to protect water resources and retain large, contiguous tracts of agricultural

The State Plan recommends a pattern of development in Planning Area 4 that promotes a stronger rural economy in the future while meeting the immediate needs of rural residents.



Policy objectives for the Rural Planning Area include priority treatment for farmland preservation funding.

ing centers and strategically locating new centers to minimize the negative impacts of growth on present and future farming operations. Such a pattern of development will strengthen non-farm rural economies at the same time that it assures maintenance of a strong, viable agricultural industry for the State. It is a pattern that also recognizes the fact that farm families and workers have become increasingly reliant on off-the-farm income.

The relationship between farm and non-farm land uses in New Jersey has always been a complex one. Many farmers benefit from the close proximity of residential and commercial

Centers. These Centers provide ready markets for farm produce. They also provide jobs and income which help to supplement the farm economy. On the other hand, the intrusion of nonfarm activities into agricultural areas can interfere with farming practices and make it more difficult to sustain a viable operation. In the Rural Planning Area, nonfarm land uses must develop at a density and in a manner that minimizes the potential for land-use conflicts. This can be achieved through the Centers strategy and by implementing other kinds of

sound land-use planning techniques.

Encouraging appropriate patterns of development in the Rural Planning Area would be considerably enhanced by a number of planning and mitigation tools. Such tools include clustering, capacity-based planning, timing and sequencing, privately coordinated multi-tract development, sliding-scale zoning, transfer of development rights programs, purchase of development rights programs, use assessment and "right-to-farm" laws. Such planning tools help to encourage land use patterns that ensure appropriate development and economic growth, while maintaining ongoing agricultural operations, land values and the rural character of this Planning Area.

Economic competition throughout the world in the future will be keen. With "quality

In the Rural Planning Area, nonfarm land uses must develop at a density and in a manner that minimizes the potential for land-use conflicts.

of life" becoming an increasingly important economic criterion, our pattern of development in the future must be carefully and thoughtfully planned. Rural New Jersey contributes substantially to the State's quality of life and will play an increasing role in its economic growth. New Jersey's rural areas, therefore, should not only offer strong economic centers but an ambience and character that make living and working there attractive as well. In other words, Centers and their Environs in the Rural Planning Area should complement each other.

The Plan seeks to promote strong economies in Centers while protecting both the agricultural features and the environmentally sensitive features that will maintain the character of the State's rural areas. To accomplish this objective, the Rural Planning Area includes a subarea: 4B -Environmentally Sensitive Planning Area. This subarea identifies productive farmland that also contains valuable ecosystems or wildlife habitats. For Planning Area 4 lands that are not in subarea 4B, the Policy Objectives for Planning Area 4 should be used in planning for Centers and for the conversion of any agricultural and nonagricultural lands in the Environs of Centers. On the other hand, for lands located in subarea 4B, the Policy Objectives of Planning Area 5 -Environmentally Sensitive Planning Area should be used in planning for Centers and for the conversion of such lands located in the Environs of these Centers.

New development in the Rural Planning Area should be consistent with Statewide Policies and should be encouraged in discrete Centers located and designed to achieve the Policy Objectives for the Rural Planning Area. Growth should be guided to existing Centers before planned (new) Centers. Community infrastructure should be provided only in Centers, and private sector investment should provide this infrastructure for planned (new) Centers. The environs of Centers should be protected from the impacts of Center development and should be maintained as open land. Centers should serve as receiving areas for transfers of development rights.

Delineation Criteria

The following criteria are intended as a general guide for delineating the Rural Planning Area, and local conditions may require flexible application of the criteria to achieve the Policy Objectives of this Planning Area.

- (1) *Population density of less than 1,000 people per square mile, outside Centers; and*
- (2) *Area greater than one square mile; and*
- (3) *Land currently in agricultural or natural resource production or having a strong potential for production:*
 - a. *Soils of local importance as determined by the County Agriculture Development Board; or*
 - b. *Prime and unique soils as determined by the U.S.D.A. Soil Conservation Service; or*

Planning Areas

- c. Soils of statewide importance as determined by the N.J.D.A. State Soil State Soil Conservation Committee; and
- (4) Undeveloped wooded tracts, vacant lands, and large, contiguous tracts of agricultural lands predominantly served by rural two-lane roads and individual wells and septic tanks; and
- (5) Farmland satisfying the above delineation criteria, as well as the delineation criteria for the Environmentally Sensitive Planning Area, is designated as Planning Area 4B Rural Environmentally Sensitive Planning Area.

Policy Objectives

The following set of Policy Objectives are unique to the Rural Planning Area and should be used to guide the application of the State Plan's Statewide Policies, the criteria for identification of existing or planned (new) Centers appropriate in this Planning Area, the policies for delineating Community Development Boundaries around Centers and local and State-agency planning.

- (1) *Land Use: Enhance agricultural viability and rural character by guiding development and redevelopment into Centers. Ensure that the location, pattern and intensity of any development in the Environs maintains existing low-density development patterns that complement the rural character and landscape, and maintain large contiguous areas of open space. Any development in Planning Area 4 should be designed using creative land use and design techniques to*

ensure that it does not conflict with agricultural operations, does not exceed the capacity of natural and built systems and protects areas where past public investments in farmland preservation have been made.

- (2) *Housing: Encourage the production of reasonably priced housing for all segments of the population within Centers, recognizing the special locational needs of agricultural employees.*
- (3) *Economic Development: Promote economic activities within Centers that complement and support the rural and agricultural communities and that provide diversity in the rural economy and opportunities for off-farm income and employment.*
- (4) *Transportation: Maintain a transportation system that provides appropriate access of agricultural products to markets and accommodates the weight of modern agricultural equipment.*
- (5) *Natural Resource Conservation: Minimize potential conflicts between agricultural practices and sensitive environmental resources.*
- (6) *Agriculture and Farmland Preservation: Give priority to Rural Planning Area for farmland preservation funding and agricultural incentive programs.*
- (7) *Recreation: Provide active recreational opportunities through acquisition and development of parks in Centers and alternative recreational uses of farmland.*
- (8) *Historic Preservation: Outside Centers, coordinate historic preservation needs with farmland preservation efforts, and, within Centers, incorporate historic sites and structures as assets in development and redevelopment efforts.*

(9) *Public Facilities and Services:* Support appropriate infrastructure development by establishing adequate levels of capital facilities and services to support Centers; to protect large contiguous areas of productive farmlands; to protect past public investments in farmland preservation programs; and to minimize conflicts between Centers and surrounding farms.

(10) *Intergovernmental Coordination:* Coordinate efforts of various State agencies, county and municipal governments to ensure that State and local policies and programs support agriculture by examining the effects of financial institution lending, government regulation, taxation and other governmental policies and programs.

EXECUTIVE ORDERS

(a)

OFFICE OF THE GOVERNOR
 Governor Jim Florio
 Executive Order No. 114(1994)
 State Development and Redevelopment Plan
 Issued: January 11, 1994.
 Effective: January 11, 1994.
 Expiration: Indefinite.

WHEREAS, in 1985, the New Jersey Legislature enacted the State Planning Act (N.J.S.A. 52:18A-196 *et seq.*) calling for the creation of a State Development and Redevelopment Plan (State Plan) to be used as a tool for assessing suitable locations for infrastructure, housing, economic growth and conservation to bring about rational, managed growth and development in all regions of the State; and

WHEREAS, the State Plan was adopted by the State Planning Commission in June 1992, after five years of discussion and negotiation with the citizens of New Jersey in a widely regarded "cross-acceptance" process and, while the State Plan is not regulatory, it does provide necessary guidance for responsible stewardship of the State's natural resources and open space; and

WHEREAS, in adopting the State Planning Act, the Legislature declared that the State requires sound and integrated statewide planning to conserve its natural resources, revitalize its urban centers, protect the quality of its environment and provide affordable housing and adequate public services at reasonable cost while promoting beneficial economic growth, development and renewal; and

WHEREAS, the State Planning Act recognizes that the historic haphazard patterns of growth have threatened the quality of life in New Jersey and have failed to provide for the revitalization of our urban centers, sufficient affordable housing stock, or adequate conservation of natural resources, and therefore, requires the adoption of a coordinated, integrated and comprehensive plan for growth, development, renewal and conservation of all regions of the State and identifies areas for growth, agriculture, open space, and other appropriate designations; and

WHEREAS, the State Plan provides a framework for streamlining permitting procedures and cost savings for the mutual benefit of the public and private sectors; and

WHEREAS, the State Plan is based upon an economic impact assessment which estimates that full implementation can save taxpayers \$1.3 billion in capital infrastructure costs over 20 years and up to \$400 million annually in operating costs statewide; and

WHEREAS, the State Planning Commission has entered Memoranda of Understanding with the Capital Budgeting and Planning Commission, the Council on Affordable Housing, the Department of Environmental Protection and Energy, the Department of Transportation and New Jersey Transit, establishing successful cooperative relationships directed toward reaching the goals of the State Plan; and

WHEREAS, success in achieving the rational development goals of the State Planning Act, and the substantial cost savings which can be derived through full implementation of the State Plan, requires broad based acceptance and implementation of the State Plan's goals and mechanisms by all State agencies and departments, and coordinated planning among the State departments and agencies and local governments;

NOW, THEREFORE, I, JAMES J. FLORIO, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. All State Departments and agencies shall:

a. Adopt and incorporate as part of their agency programmatic mission, policies which comport with the State Plan and act in a coordinated fashion in investing resources at the State and local level in implementing the State Plan and achieving their programmatic missions.

b. In their joint endeavors to implement the State Plan together with the State Planning Commission, encourage growth and development and direct infrastructure to locations and in patterns recommended by the strategies and policies contained in the State Plan.

c. Adopt policies which facilitate the establishment of development "centers" and encourage development which is consistent with the policy

objectives of "planning areas" which constitute the "resource and management structure" of the State Plan.

d. Participate and cooperate with the Office of State Planning in its review and assessment of the functional plans of the departments or agencies, including, but not limited to water supply, natural resources, air quality, energy, open space and historic conservation, affordable housing, transportation, airport systems and rail systems, and encourage interdepartmental and interagency participation on advisory bodies related to policy and plan development to assure coordination in the implementation of the State Plan.

e. Support the Office of State Planning in the fulfillment of its statutory responsibilities with respect to its planning activities, including but not limited to, the legislatively mandated infrastructure needs assessment, monitoring, and evaluation program.

f. Collaborate in data base development and the exchange of information among departments and agencies, and establish appropriate institutional mechanisms, including data compatibility, to assure that data base development and the exchange of information occurs.

g. Coordinate efforts with the Office of State Planning to assist municipalities in gaining designation of development "centers."

h. Coordinate efforts with the Office of State Planning to assist distressed cities in developing Strategic Revitalization Plans.

i. Report to the Governor and Office of State Planning on June 1, 1994, and every six months thereafter, on their efforts in furtherance of this Order.

2. All State agencies and departments are authorized and directed, to the extent not inconsistent with law, to cooperate with and provide support to the Office of State Planning and State Planning Commission and furnish them with such information, including statistical and planning data, and assistance necessary to accomplish the purposes of this Order.

3. This Order shall take effect immediately.

EXHIBIT Q

714

**Hillsborough Township Committee Resolution
Pertaining to the Hillsborough Township
Wastewater Management Plan Amendment**

WHEREAS, pursuant to the New Jersey Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.), Hillsborough Township had previously prepared a Wastewater Management Plan; and further

WHEREAS, pursuant to the Water Quality Planning Act and Implementation Process Regulations (N.J.A.C. 7:15-3.4 et seq.), Hillsborough Township had previously prepared a Wastewater Management Plan; and

WHEREAS, certain individual property owners had independently filed requests to NJDEPE for amendments to the Wastewater Management Plan; and

WHEREAS, in October 1994 NJDEPE requested the individual property owners to combine their proposed amendments and further recommend that Hillsborough Township sponsor and submit the combined amendment proposal in order to efficiently process for NJDEPE the proposed amendments to the Wastewater Management Plan; and

WHEREAS, on December 13, 1994 the Hillsborough Township Committee adopted a resolution engaging the services of Van Cleef Engineering Associates to prepare the combined amendment to the Wastewater Management Plan as requested by NJDEPE; and

WHEREAS, all of the proposed amendments to the Wastewater Management Plan are consistent with the Somerset County/Upper Raritan Watershed Wastewater Management Plan, dated November 1994, and as filed with NJDEPE in November 1994; and

WHEREAS, objections have now been filed with NJDEPE by concerned parties in regards to the proposed amendments to the Wastewater Management Plan; and

WHEREAS, the Township Committee does not believe it to be appropriate to sponsor a Wastewater Management Plan Amendment involving individual property owners where objections have been filed since such issues essentially involve disputes between the objector and the developer; and

WHEREAS, the Township Committee believes that, under such circumstances, such plan amendments should proceed before NJDEPE based on the independently filed requests of such property owners and/or the Somerset County/Upper Raritan Watershed Wastewater Management Plan dated November 1994 presently pending before NJDEPE, of which these development requests for amendments to the Wastewater Management Plan are a part.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey as follows;

1. It hereby withdraws its Wastewater Management Plan Amendment proposal of December 1994 submitted to NJDEPE and its sponsorship thereof for the reasons recited herein above.
2. It leaves the individual property owners to either continue to pursue their independently filed requests for plan amendments or to allow such plan amendments to proceed to NJDEPE for review in accordance with the Somerset County/Upper Raritan Watershed Wastewater Management Plan dated November 1994, of which the respective amendments are a part.
3. It ratifies and reaffirms the actions of Van Cleef Engineering Associates, its Engineering consultant (for purposes of this Wastewater Management Plan Amendment), with respect to its Wastewater Management Plan Amendment withdrawal notifications and efforts.
4. It authorizes and directs Van Cleef Engineering Associates to notify NJDEPE of the withdrawal of its Wastewater Management Plan Amendment of December 1994 and to otherwise carry out and effectuate the terms, conditions and directives of this resolution.

I, Victoria McDonald, Township Clerk,
hereby certify that the above resolution is a
true and correct copy of a resolution adopted
by the Township Committee at a regular and

held meeting held on August 22

In testimony whereof, I have set my hand

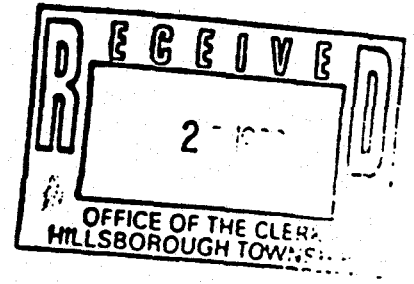
and the seal of the Township of Hills-

borough this 23 day of August 1995

EXHIBIT R

CC: TC
TRAINING 323 4/0 = ...
J. MIDDLETON
F. SCARANTINO
E. HANSEN

TROMBADORE, SEEL & TROMBADORE
A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
33 EAST HIGH STREET
SOMERVILLE, NEW JERSEY 08876



RAYMOND R. TROMBADORE
MEGAN C. SEEL
DAVID W. TROMBADORE

TELEPHONE (908) 722-7555
FAX (908) 722-6269

ANN WILKIN TROMBADORE
OF COUNSEL

August 26, 1996

Office of Environmental Planning
New Jersey Department of Environmental Protection
ATTN: Debra Bechtel
401 East Street
CN 418
Trenton, NJ 08625-0418

Dear Ms. Bechtel:

This firm represents Friends of Hillsborough, Inc., a non-profit, non-partisan corporation organized to promote sound principles of managed growth and to advocate for planning, conservation, and development policies which will help create an acceptable quality of life for residents of Hillsborough Township and surrounding communities.

I write to lodge the objection of Friends of Hillsborough, Inc. to the proposed amendment to the Hillsborough Township Wastewater Management Plan which would expand its sewer service area to include approximately 760 acres of land presently designated for development of a planned adult community to be known as Greenbriar at the Village. The area in question is comprised primarily of farmland and is a rural area located in the Rural Planning Area as defined in the State Plan. More than 90% of the area is in Plan Area 4, and approximately 5% of the area is in Plan Area 5. Both the State Development Plan and the Somerset County Master Plan envision the preservation of these areas in accordance with its currently zoned rural agricultural standards requiring minimum lot sizes of 3 acres for detached houses. The extension of sewer facilities in this area is clearly in contravention of the guidelines of the State Development Plan and is, likewise, inconsistent with the provisions of the Somerset County Master Plan. Moreover, it would be inconsistent with long-standing policies in Hillsborough Township seeking to preserve the western portion of the Township for agricultural uses, large lot development, and minimum residential growth. In 1988, 1989, and again in 1992, the Township of Hillsborough sought vigorously to oppose the extension of water lines along Amwell Road. Certifications filed with the Court in litigation with the water company recited actions of the Township Committee, the Township Mayor, and other Township officials seeking to prevent the introduction of infrastructure

into the western portions of Hillsborough Township opposing extension of water facilities. See the verified complaint enclosed herewith dated July 7, 1989 and verified by then-Mayor, Peter J. Biondi setting forth reasons for the Township's opposition, including but not limited to:

"A. That both the Township Master Plan and the Somerset County Master Plan called for agricultural uses, large lot development and minimal residential growth in the western area of Hillsborough Township.

B. That the proposed construction is contrary to the State Agricultural Development and Farmland Preservation Act and the Hillsborough Farm Equity Preservation Ordinance, both of which seek preservation of farmland.

C. That the preliminary State Development Plan created by a State Planning Commission, pursuant to statutory authority, has categorized the western portion of the Township as Tier 5 and 6A to be preserved for limited growth and agricultural areas.

D. The Sourland Mountain region through which the proposed water line would pass contains one of the largest continuous forested areas in Central Jersey providing a habitat for many endangered species of plants and animals.

E. The Township's past experience and extensive litigation with developers over the years and review of Court decisions leads to the irrefutable conclusion that construction of the water line through this undeveloped region will, of necessity, result in the rapid development of the area, resulting in construction of 12,000 to 15,000 homes, eliminating farmland, preservation area, green area, and the rurally designated area of the municipality.

F. That it is anticipated that the State Planning commission will obtain authority shortly to preclude utility companies from construction the extensions into areas designated as Tier 5 and above (as is the western portion of Hillsborough Township) and Elizabethtown's "rush" to undertake this project in order to "beat out" the aforesaid limitations.

G. Viable alternatives exist with regard to re-routing said transmission line outside of Hillsborough Township, along existing right-of-ways for the purpose of supplying water purportedly needed in the Hunterdon County area as reviewed by the Hillsborough Township Engineer."

Verified Complaint of Hillsborough Township, July 7, 1989, attached.

Hillsborough Township engaged in additional litigation to prevent the water company from constructing a pump station and from extending its lines to complete a loop system in Amwell Road. On each occasion, the Township sought to justify its opposition to extension of water services on the basis of the Township Master Plan and the State Development Plan, both of which designated the western portion of Hillsborough Township for large lot development and for preservation of agricultural uses.

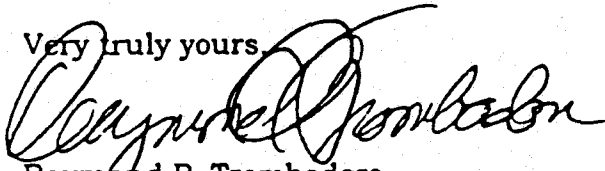
This same strict policy, based on the environmentally sensitive nature of the area, has dictated land use applications in the western portion of the Township for the last 25 years. Under the guise of fulfilling an undefined need for senior citizen housing, the Township would now support approvals for the

construction of more than 3000 dwelling units on some 760 acres of land. It is in order to accommodate that development that the proposed amendment to the Wastewater Management Plan is offered.

Friends of Hillsborough, Inc. treat the proposal for development of the planned adult community as a degradation of the environment and as a violation of the State Plan. The proposal is also contrary to the Governor's Executive Order No. 114 calling for development consistent with the objectives of "planning areas."

On behalf of our client, we ask that we be specifically informed of any public hearing conducted on this application so that we may appear and offer more specific objections.

Very truly yours,



Raymond R. Trombadore

RRT/ljk

Enclosure

cc: Robert C. Shinn, Jr., Commissioner
Robert P. Bzik, Somerset County Planning Board
John W. Kellogg, Hunterdon County Planning Board
Hillsborough Township Committee
Hillsborough Township Planning Board
New Jersey Future
Kinsey & Hand
Anatol Hiller
Friends of Hillsborough, Inc.

FRANK N. YURASKO, ESQ.
63 route 206 South
P.O. Box 1041
Somerville, NJ 08876
201-231-0220
General Litigation Counsel
for Township of Hillsborough

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: SOMERSET COUNTY
DOCKET NO.

TOWNSHIP OF HILLSBOROUGH,

Plaintiff

Civil Action

vs.

VERIFIED COMPLAINT

ELIZABETHTOWN WATER COMPANY,

Defendant

Plaintiff, Hillsborough Township, a municipal corporation of the State of New Jersey, having its offices at 330 Amwell Road, Neshanic, New Jersey, by way of Complaint against the defendant, Elizabethtown Water Company, says:

1. In May of 1988, defendant Elizabethtown Water Company (hereinafter "Elizabethtown") notified Hillsborough Township (hereinafter "Hillsborough") of its intention to construct an additional water line in the area of the Township designated for large lot development and farmland preservation for the espoused purpose of "...to meet the increasing demands resulting from the rapid development taking place in this region of our franchise area" (a copy of which letter is attached hereto as Exhibit A).

2. By letter dated August 29, 1988 from Elizabethtown to Hillsborough, the company admitted that the proposed 24 inch water line on Amwell Road was for system reenforcement to meet increasing demands in the undeveloped area of the Township (a copy of this letter of August 29th

is attached hereto as Exhibit B) and a letter of August 30, 1988 to Township Engineer outlining their intentions is attached hereto as Exhibit C.

3. On September 7, 1988, the Township Engineer submitted a memorandum to the Planning Board, attaching the correspondence from Elizabethtown for their consideration, a copy of which is attached hereto as Exhibit D.

4. Thereafter, on September 14th, Elizabethtown wrote to Chester Kurk, the Township Engineer, with regard to obtaining easements from the Township, copy of which is attached hereto as Exhibit E.

5. On September 23, 1988, the Planning Board transmitted a memorandum to the Township Committee recommending the denial of easement grants (since extending the water line along Amwell road would encroach on urbanization of the Mountain and Agricultural Zones along this roadway. Urbanization would affect the existing farmland and the environmentally sensitive Mountain Zone, copy of memorandum is attached hereto as Exhibit F.

6. On October 14, 1988, Elizabethtown wrote to the Township indicating the water line installation proposes to be "...in order to re-enforce its facilities along Amwell road....to meet the increasing demands from rapid development..." (a copy of which letter is attached hereto as Exhibit G.

7. Thereafter, after due consideration, the Township Committee, by duly adopted resolution on December 13, 1988, rejected Elizabethtown's requests for easements, copy of which resolution is attached hereto as Exhibit H.

8. Thereafter, the Township learned at the end of 1988 that Elizabethtown intended to proceed with its project whereupon a meeting was had at the Town Hall on January 3, 1989 with the Township Mayor, Township Administrator, and numerous officers of Elizabethtown, including their General Counsel, their Construction Co-ordinator, their Vice President of Operations and Manager of Systems Development and Operation wherein the Township indicated its opposition to expansion on numerous grounds, including but not limited to:

A. That both the Township Master Plan and the Somerset County Master Plan called for agricultural uses, large lot development and minimal residential growth in the western area of Hillsborough Township.

B. That the proposed construction is contrary to the State Agricultural Development and Farmland Preservation Act and the Hillsborough Farm Equity Preservation Ordinance, both of which seek preservation of farmland.

C. That the preliminary State Development Plan created by a State Planning Commission, pursuant to statutory authority, has categorized the western portion of the Township as Tier 5 and 6A to be preserved for limited growth and agricultural areas.

D. The Sourland Mountain region through which the proposed water line would pass contains one of the largest continuous forested areas in Central Jersey providing a habitat for many endangered species of plants and animals.

E. The Township's past experience and extensive litigation with developers over the years and review of Court decisions leads to the

irrefutable conclusion that construction of the water line through this undeveloped region will, of necessity, result in the rapid development of the area, resulting in construction of 12,000 to 15,000 homes, eliminating farmland, preservation area, green area, and the rurally designated area of the municipality.

F. That it is anticipated that the State Planning Commission will obtain authority shortly to preclude utility companies from constructing the extensions into areas designated as Tier 5 and above (as is the western portion of Hillsborough Township) and Elizabethtown's "rush" to undertake this project is in order to "beat out" the aforesaid limitations.

G. Viable alternatives exist with regard to re-routing said transmission line outside of Hillsborough township, along existing right-of-ways for the purpose of supplying water purportedly needed in the Hunterdon County area as reviewed by the Hillsborough Township Engineers.

9. As a result of said meeting, it was agreed that Elizabethtown would undertake to review alternate routing and would withhold further action with regard to installation of a line through Hillsborough and would undertake discussions with the Township before finalizing its position.

10. A subsequent meeting was held on January 13, 1989 with the Township Administrator and Elizabethtown officials regarding this matter to the same effect which resulted in a letter of January 16, 1989 to Elizabethtown from the Township Administrator, a copy of which is attached hereto as Exhibit I.

11. Subsequently, on January 24, 1989, the Township adopted a

resolution opposing construction of the aforesaid line and denying the municipal consent required pursuant to N.J.S. 48:19-20, a copy of which resolution is attached hereto, along with the Minutes relating thereto, as Exhibit J.

12. Thereafter, without further notice to the Township nor with any request for meetings or discussions by Elizabethtown, Elizabethtown notified the Hillsborough Police Department by letter dated July 3, 1989 and letter to Township Engineer, attached hereto as Exhibit K, indicating the construction on the project would start on July 10, 1989.

13. The Township Planning Board met on Thursday, July 6, 1989 and adopted a resolution opposing the installation of the water line and recommending revocation of any franchise rights that Elizabethtown may have with regard to Hillsborough Township.

14. N.J.S. 48:19-20 required municipal consent for extension of any water work within the municipality which consent has been specifically denied to Elizabethtown by Hillsborough.

14. A proposed extension of the water lines into the "virgin area" of the Township is tantamount to a request for a new franchise and pursuant to case law requires municipal action.

15. Likewise, case law provides support for denial of municipal consent where there is an over-riding State rationale to support said denial as in the instant case by virtue of the preliminary State Development Plan categorization of the area demarcating it for virtually no development to take place.

16. There does not exist a franchise agreement as such other than a resolution of the Township on March 22, 1966 wherein a discussion in

support thereof related to development of water lines in the area of Route 206 and the developed areas of the Township as well as in the industrial area.

17. As a result of learning of the decision of Elizabethtown to go forward, a letter that was directed by the Mayor to Elizabethtown dated July 6, 1989 is attached hereto as Exhibit L.

18. In the event that the water line installation occurs, the Township will be irreparably harmed and construction of the line at the location intended will, of necessity, require this "dry line" to be connected into the existing water main at the eastern section of the Township thereby bringing about the devastating results set forth above and as adopted herein by reference with regard to the Township resolutions which have been submitted herewith as exhibits.

19. Based upon the defendant's violation of the Hillsborough Master Plan, the State Plan and failure to obtain municipal approval, there is a substantial likelihood of success on behalf of plaintiff herein who seeks the Court to enter an injunction precluding construction and installation of the aforesaid line.

WHEREFORE, plaintiff demands judgment against defendant, Elizabethtown, requesting this Honorable Court to

- A. Grant a temporary restraining order precluding installation of the aforesaid water line;
- B. Enter an interlocutory order and thereafter final injunction;
- C. Such other relief as the Court may deem appropriate;
- D. Grant counsel fees and costs of suit.


FRANK N. YURASKO
General Litigation Counsel

VERIFICATION OF COMPLAINT

STATE OF NEW JERSEY :

: SS

COUNTY OF SOMERSET :

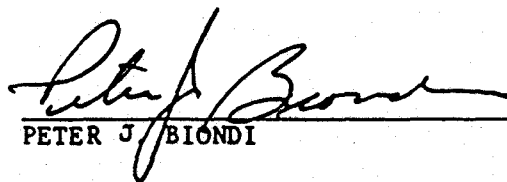
PETER J. BIONDI, of full age, being duly sworn according to law, upon his oath, deposes and says:

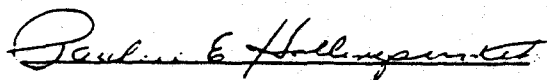
1. I am the Mayor of the Township of Hillsborough, plaintiff in the foregoing Complaint and am duly authorized to execute this Verification.

2. I have read the foregoing Complaint and am familiar with the contents thereof.

3. The matters set forth in the said Complaint are true to the best of my knowledge and belief.

Sworn to and subscribed
before me this 7th day
of July, 1989.


PETER J. BIONDI



PAULINE E. HOLLINGSWORTH
Notary Public of New Jersey
My Commission Expires July 12, 1992

EXHIBIT S



Township of Hillsborough

COUNTY OF SOMERSET
MUNICIPAL BUILDING
AMWELL ROAD
NESHANIC, NEW JERSEY 08853



(908) 369-4313

KENNETH C. SCHERER
MAYOR

BRETT A. RADI
DEPUTY MAYOR

COMMITTEE

HELEN HAINES
GLENN VAN LIER
DAVID REDLAWSK

WHEREAS, pursuant to the New Jersey Water Quality Planning Act (N.J.S.A. 58:11-1 et seq.), Hillsborough Township is included in the Somerset County/Upper Raritan watershed Wastewater Management Plan; and further

WHEREAS, pursuant to the Water Quality Planning Act and Implementation Process Regulations (N.J.A.C. 7:15-3.4 et seq.), Hillsborough Township is included in the Somerset County/Upper Raritan Watershed Wastewater Management Plan; and

WHEREAS, the Hillsborough Township Committee believes that the aforesaid Plan contains errors which should be corrected before NJDEP publishes the Plan in the New Jersey register.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey as follows:

1. Somerset County and the NJDEP are requested to cease any further review of the Hillsborough Township portion of the Somerset County/Upper Raritan Wastewater Management Plan until such time as the staffs of Hillsborough Township and the Hillsborough Township Municipal Utilities Authority can review the plan, find the errors and recommend corrections.

2. No amendment to the Hillsborough Township Wastewater Management Plan shall be endorsed without the consent or by affirmation of the Hillsborough Township Committee.

I, Gregory J. Bonin, Hillsborough Township Clerk, hereby certify that the above resolution is a true and correct copy of a resolution adopted by the Township Committee of the Township of Hillsborough at a regular and duly convened meeting held on September 24, 1996.
In witness thereof I have set my hand and affixed the seal of the Township of Hillsborough this 25th day of September 1996.

EXHIBIT T



Township of Hillsborough

COUNTY OF SOMERSET
MUNICIPAL BUILDING
AMWELL ROAD
MESHANIC, NEW JERSEY 08853

TELEPHONE
(908) 389-4313

RESOLUTION REGARDING THE HILLSBOROUGH REPRESENTATIVE TO THE SOMERSET COUNTY WASTEWATER ADVISORY COUNCIL

WHEREAS, the Hillsborough Township Municipal Utilities Authority has been the designated Hillsborough representative to the Somerset County Wastewater Advisory Council since 1993; and

WHEREAS, the Somerset County Wastewater Advisory Council is dependent upon planning and zoning information to develop the County's Wastewater Management Plan; and

WHEREAS, the source of planning and zoning information is the Hillsborough Township Planning Board; and

WHEREAS, it would be more efficient to have the Planning Board serve as Hillsborough's representative to the Somerset County Wastewater Advisory Council.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Planning Board Chairman, or his designee, be Hillsborough Township's representative to the Somerset County Wastewater Advisory Council in lieu of the Hillsborough Township Municipal Utilities Authority.

I, Gregory J. Bonin, Hillsborough Township Clerk, hereby certify that the above resolution is a true and correct copy of a resolution adopted by the Township Committee of the Township of Hillsborough at a regular and duly convened meeting held on January 28, 1997.

In witness thereof I have set my hand and affixed the seal of the Township of Hillsborough this 29th day of January 1997.

www.hillsboroughnj.com

EXHIBIT U



Township of Hillsborough,



COUNTY OF SOMERSET
MUNICIPAL BUILDING
AMWELL ROAD
NESHANIC, NEW JERSEY 08853

(908) 369-4313

APR 14 1997

April 8, 1997

Mr. Robert Bzik
Director of Planning
Somerset County Planning Department
P.O. Box 3000
Somerville, New Jersey 08876

Re: **Proposed Changes to the Hillsborough Township
Portion of the Proposed
WASTE WATER MANAGEMENT PLAN AMENDMENT**

Dear Mr. Bzik:

Last Thursday, April 3, 1997, the Planning Board of Hillsborough Township accepted the recommendations of the Land Use Sub-committee of that board regarding the Waste Water Management Plan for the Township.

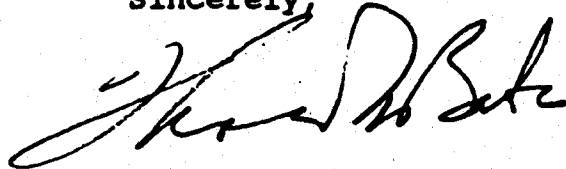
Enclosed are recommendations and the two resolutions passed by the Planning Board, one titled "Amendment to the Master Plan" and the other titled "Proposed Changes to the Waste Water Management Plan".

The map delineating the existing and proposed sewer service areas of the Township is being prepared by Township staff and will be forwarded to you as soon as it is completed.

The Public Hearing for the Master Plan Amendment will be scheduled for June, 1997. Should you have any comments or questions on either of these resolutions or the recommendations of the Planning Board, please submit them to the Planning Board Office.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas M. Bates', written in a cursive style.

Thomas M. Bates
Planning Board Chairman
Township of Hillsborough

TMB:hel

cc: John Middleton, Township Administrator
Frank S. Scarantino, Director of Planning & Engineering
Rick Nunn, Land Use
Shirley Yannich, Township Planner
Bill Sutphen, Esquire

RESOLUTION OF THE HILLSBOROUGH TOWNSHIP PLANNING BOARD

Subject Matter: Amendment to the Master Plan

WHEREAS, the Township Committee requested that the Planning Board assume the responsibility of delineating areas of the Township for proposed sewer facilities in the Waste Water Management Plan as part of the Hillsborough Master Plan; and

WHEREAS, the Land Use Subcommittee of the Planning Board has been assigned the task of making recommendations to the Planning Board regarding this responsibility; and

WHEREAS, the Subcommittee found that there were no guiding principles in the Hillsborough Master Plan that would tie the Waste Water Management Plan to the Master Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Hillsborough on this 3rd day of April, 1997:

1. That the following set of principles be added to the Land Use Planning Element of the Hillsborough Master Plan to govern future requests for amendments to the Waste Water Management Plan and changes in the proposed sewer facilities map.

2. The following principles will be utilized to determine future changes to the Hillsborough Township Waste Water Management Plan and the map delineating the proposed sewer service area on lot lines in order to ensure that a responsible 20 year forecast will be available to the Somerset Raritan Valley Sewer Authority for its capacity planning without creating pressures on growth that are inconsistent with the Hillsborough Master Plan or without stifling growth that is encouraged by the Plan.

3. Any future amendments to the Master Plan or changes in lot lines in the Township shall be reviewed by the Planning Staff and a report shall be submitted to the Planning Board in order that amendments be proposed to the Waste Water Management Plan consistent with the principles stated below:

(a) The Township will not propose additional land to be

sewered if the other infrastructure is not in place to accommodate the growth management plan as stated in the Master Plan.

(b) The Township will not propose removal of land to be sewered from the existing plan where it can be demonstrated that the infrastructure necessary to accommodate the growth management plan as stated in the Master Plan will likely take place within the six year planning period.

(c) The Township will propose additional land to be sewered and will seek an amendment to the Waste Water Management Plan where the proposed change is consistent with the principles stated in the Master Plan or where the need for sewers already exists to meet health and safety requirements of developed areas. Any additions shall be sized only for the properties to be sewered with no excess capacity so as to discourage further development beyond the proposed extension.

(d) The Township will propose removal of land to be sewered from the existing plan and will seek an amendment to the Waste Water Management Plan where the land has been formally removed from the developable inventory of land through any means such as open space dedication, acquisition by the Township, farmland preservation, transfer of development rights or deed restriction. Lands in the Township Greenways and Open Space Plan will serve as guidelines for identifying areas to be removed from the Waste Water Management Plan upon formal dedication as determined during the application process, through acquisition by Hillsborough Township or any governmental or public entity, by voluntary dedication or any other means for the addition of lands to Greenways or Open Space.

(e) These principles shall be reviewed for consistency with federal, state, county and regional statutes, rules and regulations as they relate to environmentally sensitive lands, critical areas, planning, and other development issues.

4. That the principles so drafted be applied to the current updated sewer facilities map to the CDZ and O5 zones in the industrial corridor, the PAC/HCF zone in the vicinity of Mill Lane, the land along East Mountain Road and other areas for which

amendments to the current plan have been requested.

5. That a copy of this resolution shall be forwarded to the Hillsborough Township Committee, New Jersey Department of Environmental Protection, Somerset County Planning Board and the Hillsborough Township Municipal Utilities Authority.

Certified to be a true copy of a Resolution adopted by the Planning Board of Hillsborough Township at a public meeting held on April 3, 1997.

A handwritten signature in black ink, appearing to read "Thomas Bates", written over a horizontal line.

Thomas Bates,
Chairman of the Board

RESOLUTION OF THE HILLSBOROUGH TOWNSHIP PLANNING BOARD

Subject Matter: Proposed Changes to the Waste Water Management Plan

WHEREAS, The Township Committee requested that the Planning Board assume the responsibility of delineating areas of the Township for proposed sewer facilities in the Waste Water Management Plan as part of the Hillsborough Master Plan; and

WHEREAS, the Planning Board has proposed an Amendment to the Hillsborough Master Plan adding a list of principles to govern future requests for amendments to the Waste Water Management Plan and changes in the proposed sewer facilities map; and

WHEREAS, the Planning Board will utilize these principles to meet the Township Committee requirement to evaluate suggested changes to the sewer facilities map in the CDZ and O5 zones in the industrial corridor, the PAC/HCF zone in the vicinity of Mill Lane, the land along East Mountain Road and other areas for which amendments to the current plan have been requested.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Hillsborough on this 3rd day of April, 1997:

1. That those areas in the Eastern and Southern portion of the Township that are in the industrial corridor including the CDZ and O5 zones and the land in the Mountain and R1 zones along East Mountain Road remain as delineated in the 1988 Map showing Existing and Proposed Sewer Facilities. The proposed changes are not justified by other infrastructure changes, changes in zoning, or changes in dedicated open space. There do not appear to be any health and safety conditions that would warrant additions at the time or for the next six year planning period.

2. That the PAC/HCF overlay zone in the area of Mill Lane be added to the proposed sewer facilities area to bring this zone into compliance with the current Master Plan and the State Plan which designates this site as a Planned Village. In the event the current application for development on property in the area of Mill

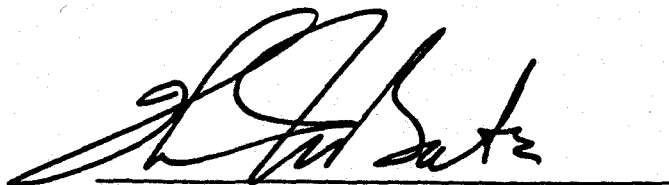
Lane receives approval and proceeds to development in a timely manner, then it is appropriate that this area remain in the sewer facilities area. However, in the event this property is not developed in accordance with the overlay zone, and development of the land reverts to the underlying zone regulations, then it is appropriate that the added area of the current PAC/HFC zone be deleted from the sewer facilities area.

3. That the remaining changes identified in the Hillsborough Township Waste Water Management Plan submitted previously to the County be accepted based on being in conformance to the principles so stated. Those areas shall be identified on the revised map of Existing and Proposed Sewer Facilities for Hillsborough Township. The revised map will be delineated by lot line in conformance with DEPE regulations and the Hillsborough Master Plan.

4. That the principles for removing land from the sewer service areas shall be applied to the land areas subject to the application process so as to be consistent with the Township Growth Management Plan in the Master Plan.

5. That a copy of this resolution and subsequently the revised map shall be forwarded to the Hillsborough Township Committee, New Jersey Department of Environmental Protection, Somerset County Planning Board and the Hillsborough Township Municipal Utilities Authority.

Certified to be a true copy of a Resolution adopted by the Planning Board of Hillsborough Township at a public meeting held on April 3, 1997.



Thomas Bates,
Chairman of the Board

April 4, 1997

To: Hillsborough Planning Board

From: Rick Nunn

Re: Recommendation from the Land Use Sub Committee to the Planning Board

The Charge:

The Township Committee requested that the Planning Board take over the responsibility of delineating areas of the Township for proposed sewer facilities in the Waste Water Management Plan as part of the Hillsborough Master Plan and

The Land Use Subcommittee of the Planning Board has been assigned the task of making recommendations to the Planning Board regarding this responsibility and

The Subcommittee has reviewed the current map showing the existing and proposed areas of the Township to be sewerred along with the report prepared by Malcolm Pierney, Inc. projecting the volumes of waste water predicted by the Year 2010 based on Hillsborough's existing Waste Water Management Plan and has also reviewed the Utility Service Plan Element of the Hillsborough Master Plan

Findings of Fact:

The Land Use Subcommittee of the Planning Board has determined that the maps delineating existing and proposed sewer facilities were outdated and difficult to read and

The subcommittee also determined that Malcolm Pierney's projections of future commercial waste water flow is approximately 4 times greater than the combined flows for Bridgewater and Somerville when we only have 17 available acres currently zoned commercial and even with an expanded town center, we will not have as much commercial development as the Bridgewater Mall and

The Subcommittee also determined that the Malcolm Pierney report projected 20% greater future flow of industrial waste water flow than Bridgewater and

The Subcommittee found that there were no guiding principles in the Hillsborough Master Plan that would tie the Waste Water Management Plan to the Master Plan,

Recommendations:

1. That the Map showing the existing and proposed areas of the Township to be sewerred be redrawn so as to be accurate and readily interpreted. The sewer service areas should be delineated by lot line.
2. That the representatives of Malcolm Pierney or Somerset County responsible for creating or using the Malcolm Pierney report be asked to clarify how the huge increases in flow were calculated and to adjust the data where necessary to reflect realistic projections and
3. That a set of principles be added to the Land Use Planning Element of the Hillsborough Master Plan to govern future requests for amendments to the Waste Water Management Plan and changes in the proposed sewer facilities map in order to ensure that a responsible 20 year forecast will be available to the Somerset Raritan Valley Sewer Authority for its capacity planning without creating pressures on growth that are inconsistent with the Hillsborough Master Plan or without stifling growth that is encouraged by the Plan and

4. That the principles so drafted be applied to the current updated sewer facilities map to the CDZ and O5 zones in the industrial corridor, the PAC/HCF zone in the vicinity of Mill Lane, the land along East Mountain Road and other areas for which requested amendments to the current plan have been requested.

EXHIBIT V

157

Township of Hillsborough



APR 3 0 1997

COUNTY OF SOMERSET
MUNICIPAL BUILDING
AMWELL ROAD
NESHANIC, NEW JERSEY 08853



(908) 369-4313

RESOLUTION REQUESTING THE SOMERSET COUNTY PLANNING BOARD DEFER CONSIDERATION OF THE HILLSBOROUGH PLANNING BOARD RESOLUTION DATED APRIL 3, 1997 PROPOSING CHANGES TO THE WASTEWATER MANAGEMENT PLAN.

WHEREAS, by resolution of September 24, 1996, the Hillsborough Township Committee reserved for itself the endorsement of any amendments to the Wastewater Management Plan; and

WHEREAS, by another resolution of January 28, 1997, the Hillsborough Township Committee named the Planning Board Chairman or his designee to be the Hillsborough Township representative to the Somerset County Wastewater Advisory Council; and

WHEREAS, the latter resolution did not repeat the reservation indicated in the September 24, 1997 resolution thereby leading the Planning Board Chairman to believe he was to submit Wastewater Management Plan amendments directly to the County; and

WHEREAS, on April 3, 1997, the Planning Board adopted by resolution an amendment to the Wastewater Management Plan and forwarded it to the County for inclusion in the Somerset County/Upper Raritan Watershed Wastewater Management Plan.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the Somerset County Planning Board is to defer any action on the Planning Board resolution until such time as the Hillsborough Township Committee has reviewed and endorsed it; and

BE IT FURTHER RESOLVED that the Hillsborough Township Committee will endorse, or overrule, the Planning Board's resolution on or before June 10, 1997.

I, Gail W. McKane, Deputy Township Clerk, hereby certify that the above resolution is a true and correct copy of a resolution adopted by the Township Committee of the Township of Hillsborough at a regular and duly convened meeting held on April 22, 1997.

In witness thereof, I have set my hand and affixed the seal of the Township of Hillsborough this 23rd day of April, 1997.

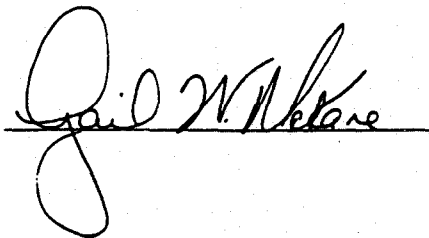


EXHIBIT W



Township of Hillsborough

COUNTY OF SOMERSET
MUNICIPAL BUILDING
555 AMWELL ROAD
NESHANIC, NEW JERSEY 08853

TELEPHONE
(908) 369-4313

RESOLUTION REGARDING THE STATUS OF THE PAC/HCF OVERLAY ZONE IN THE MILL LANE AREA IN THE HILLSBOROUGH TOWNSHIP WASTEWATER MANAGEMENT PLAN

WHEREAS, on April 3, 1997, the Hillsborough Township Planning Board adopted a resolution recommending changes to the Hillsborough Township portion of the Somerset County/Upper Raritan Watershed Wastewater Management Plan; and

WHEREAS, by resolution of April 22, 1997 the Hillsborough Township Committee requested that the Somerset County Planning Board defer any action on the Hillsborough Township Planning Board resolution of April 3, 1997 until such time as the Hillsborough Township Committee has a chance to review and endorse it; and

WHEREAS, as part of that resolution, the Hillsborough Township Planning Board recommended including the PAC/HCF overlay zone in the Mill Lane area in the Hillsborough Township Wastewater Management Plan; and

WHEREAS, U. S. Homes and the Hillsborough Alliance for Assisted Living have applied for preliminary approval of a major subdivision in the Mill Lane area to be known as Greenbriar at the Village; and

WHEREAS, on June 11, 1997, the developer petitioned the New Jersey Department of Environmental Protection for inclusion of their lands in the Somerset County/Upper Raritan Watershed Wastewater Management Plan; and

WHEREAS, both the Hillsborough Township Planning Board and the New Jersey Department of Environmental Protection have clearly defined public processes for reaching their decisions; and

WHEREAS, the Hillsborough Township Committee believes both processes should be allowed to proceed to conclusion.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that the changes recommended by the Hillsborough Township Planning Board relative to the PAC/HCF zone are overruled and the PAC/HCF zone should not be included in the Hillsborough Township portion of the Somerset County/Upper Raritan Watershed Wastewater Management Plan.

I, Gregory J. Bonin, Hillsborough Township Clerk, hereby certify that the above resolution is a true and correct copy of a resolution adopted by the Township Committee of the Township of Hillsborough at a regular and duly convened meeting held on June 24, 1997.

In witness whereof I have set my hand and affixed the seal of the Township of Hillsborough this 25th day of June 1997.

SCHEDULE B P. 174

EXHIBIT X

JUL-18 97 10:23 FF 1111

TO: 77937

PAGE: 04 07

GIORDANO, HALLERAN & CIESLA

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

125 HALF MILE ROAD

POST OFFICE BOX 190

MIDDLETOWN, NEW JERSEY 07748

19081 741-3900

FAX 19081 224-6599

66 EAST STATE STREET
MONTON NEW JERSEY 08053
15081 682-3000

PLEASE REPLY TO MIDDLETOWN

DIRECT DIAL NUMBER

April 28, 1997

FEDERAL EXPRESS

LEONA S. ANDERSON
JACQUE S. GRAY
PAUL T. FERRICOLA
JAY S. BUCKER
J. ANDREW SIMLEY
TIMOTHY W. LIGON
LAWRENCE J. SPARNA
SEAN E. MURPHY
MARTIN D. MILLER
DEBRA J. RUDENSTEIN
GONALD F. LALLI
CATHERINE T. WAGNER
J. SCOTT ANDERSON
CHRIS B. VORSE
JOSEPH G. CAPPUCCO
CHARLES A. GEMELLI
JOYANNA SILVERSTEIN
MICHAEL J. VITIELLO
ERIC S. SCHAEER
DAVID A. DESIMONE
ANITA L. CAMPBELL
KRAM E. KOPAS
KINETTE A. CARLISI
PATRICK S. CONVERY

REGISTERED CIVIL TRIAL ATTORNEY
& CERTIFIED COMMERCIAL TRIAL ATTORNEY
FILE NO.

JOHN C. GIORDANO JR.
JOHN R. HALLERAN
HARRIET CIESLA
BERNARD J. BERRY JR.
THOMAS A. MURPHY
JOHN A. PHELPS
MICHAEL J. BRUCE
RICHARD L. FINEGAN JR.
GEORGE L. TYLER
JOHN A. GUNZEL
NORMAN W. ROBBIE JR.
EDWARD C. RAOZELI
STEVEN M. BERLIN
CHARLES A. HUNT
PHILIP D. FORLENZA
TODD E. WRAFF
MICHAEL J. GANNING C.
PAUL M. SCHNEIDER
W. SCOTT TABERY
MICHAEL A. QUERQUES
DAVID P. CORRIHAN J.
EDWARD C. BENTLEY JR.
ANDREW B. ROONE
MICHAEL A. BRUNO
MARGARET B. CAMPBELL
MARTIN E. ANDERSON
PAUL T. COLELLA
STEVEN J. DROZDAN
QUEEN C. DAVIS

OF COUNSEL
ELIZABETH CHRISTIAN
ROBERT E. LINDIN
OF COUNSEL
P. THOMAS BRADY JR.
JOHN C. GIORDANO
1907 086

4328/052

Ms. Deborah A. Bechtel
Principal Environmental Specialist
Water Planning Group
State of New Jersey
Department of Environmental Protection
Office of Environmental Planning
401 E. State Street, Floor 2
CN 418
Trenton, New Jersey 08625

Re: Petition of U.S. Home Corporation and Hillsborough Alliance For Assisted Living, L.P. (collectively, the "Petitioners") for inclusion of Lots 1, 6, 10A, 13, 27, 28, 34, 44 and 44A in Block 11, and Lots 26, 27, 28, 29A, 33, 44, 45 and 47 in Block 12, as shown on the Official Tax Map of the Township of Hillsborough, Somerset County ("Petitioners' Lands"), comprised of 760+ acres to be developed as "Greenbriar at The Village" (the "Project") in the pending proposed Somerset County/Upper Raritan Watershed Wastewater Management Plan.

Dear Ms. Bechtel:

Please be advised that this office is counsel to Hillsborough Alliance For Assisted Living, Inc. as the owner, and U.S. Home Corporation as the contract purchaser, of the Petitioners' Lands above described and intended to be developed by U.S. Home Corporation as a Planned Adult Community/Health Care Facility known as "Greenbriar at The Village", and on behalf of the Petitioners, I enclose herewith for filing with your respective offices seven (7) copies each of their Petition For Inclusion of Petitioners' Lands within the proposed Somerset

GIORDANO, HALLERAN & CIESLA

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

Ms. Deborah A. Bechtel
Principal Environmental Specialist
Water Planning Group
State of New Jersey
Department of Environmental Protection
April 28, 1997
Page 2

County/Upper Raritan Watershed Wastewater Management Plan
presently pending before the Department Of Environmental
Protection of the State of New Jersey (the "County WMP"), for
your consideration and action in the further processing of the
County WMP. While the draft of the County WMP currently includes
Petitioners' Lands, it is Petitioners' current understanding that
the County of Somerset intends to submit revisions to the County
WMP, the effect of which will be to remove, or only conditionally
include, Petitioners' Lands from the County WMP.

Respectfully submitted,

JOHN R. HALLERAN

- cc: Mr. Harry Smith - w/encl. - Via Fax 369-4303
- Mr. Robert Heibell - w/encl. - Via Fax - 359-1580
- Giegory Snyder - w/encl. - Via Fax - 780-7752
- Township Clerk, Township of Hillsborough -
w/encl. - Via Fax - 369-6034
- County Clerk, County of Somerset -
w/encl. - Via Fax - 253-8853

GIORDANO, HALLERAN & CIESLA
 A Professional Corporation
 125 Half Mile Road
 P.O. Box 190
 Middletown, New Jersey 07748
 (908) 741-3900
 Attorneys for Petitioners

IN THE MATTER OF THE PETITION OF: STATE OF NEW JERSEY
 U.S. HOME CORPORATION and HILLS-: DEPARTMENT OF ENVIRONMENTAL
 BORO ALLIANCE FOR ADULT LIVING, : PROTECTION
 L.P., FOR INCLUSION OF LANDS IN :Office of Environmental Planning
 THE WASTEWATER MANAGEMENT PLAN : Bureau of Water Planning
 OF THE COUNTY OF SOMERSET. :
 :

TO: DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE STATE
 OF NEW JERSEY - Office of Environmental Planning -
 Bureau of Water Planning:

Petitioners U.S. HOME CORPORATION, ("USH"), a corporation of the State of Delaware authorized to do business in the State of New Jersey, with offices located at 800 West Main Street, Freehold, New Jersey 07728, and HILLSBOROUGH ALLIANCE FOR ADULT LIVING, L.P., a New Jersey limited partnership, with offices located at P. O. Box #720, Neshanic, New Jersey 08853 ("HAAL" and, collectively with USH, the "Petitioners"), by way of petition to the DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE STATE OF NEW JERSEY ("DEP"), respectfully pray that the currently proposed Somerset County/Upper Raritan Watershed Wastewater Management Plan (the "County WMP") previously submitted to DEP by the County of Somerset and presently pending before DEP, be

amended pursuant to N.J.A.C. 7:15-3.4 prior to its adoption by DEP to include Petitioners' Lands has hereinafter described for the reasons hereinafter set forth.

INTRODUCTION AND BACKGROUND

1. At all times hereinafter referred to, HAAL has been and is the owner, and USH is the contract purchaser, of certain tracts of land in the Township of Hillsborough and County of Somerset (the "Township"), known and designated as Lots 1, 6, 10A, 13, 27, 28, 34, 44 and 44A in Block 11, and Lots 26, 27, 28, 29A, 33, 44, 45 and 47 in Block 12, as shown on the Official Tax Map of the Township, comprised of 760± acres (alternatively referred to as the "Project Site" or "Petitioners' Lands").

2. The Petitioners' Lands are proposed to be developed as a Planned Adult Community/Health Care Facilities planned development (the "Project") pursuant to §77-91.1 of the Hillsborough Township Code (the "PAC/HCF Ordinance").

3. Subsequent to the adoption of the PAC/HCF Ordinance by the Township Committee in June 1991, upon the application of HAAL to the Planning Board of the Township of Hillsborough ("Planning Bd.") pursuant to the PAC/HCF Ordinance, the Planning Bd. (i) classified the Project as a PAC/HCF on July 18, 1991, and (ii) approved the General Development Plan for the Project on January 2, 1992.

4. The Project Site comprises all of Petitioners' Lands containing approximately 760 acres along Mill Lane from Amwell Road to the Conrail railroad tracks (north to south) and from the proposed County road known as West County Drive to River Road (east to west). The Project is intended to be developed as a senior citizen community of approximately 3,000 houses, with building densities shown as lower, moderate and upper, together with congregate care, nursing, extended care and hospital, medical, recreation, office, and mixed use, facilities and an eighteen hole golf course.

5. On August 16, 1993, HAAL entered into an agreement with Hunterdon Healthcare Systems, a new Jersey Nonprofit Corporation ("HHS") whose responsibilities include assessing and providing for the healthcare needs of the population served by Hunterdon Medical Center with which it is affiliated (the "HHS Contract"). By the HHS Contract, HHS contracted with HAAL to provide the planning services necessary for the development of the health care facilities components of the Project.

6. On February 1, 1996, HAAL entered into a Municipal Development Agreement with the Township of Hillsborough (the "Fair Share Housing Contract"). By the Fair Share Housing Contract, HAAL agreed to include, as part of the housing components of the Project, low and moderate income housing for age-restricted and non-age-restricted occupancies, on a sale or rental basis.

7. Subsequent to the Original GDP Approval, pursuant to an application made by the Township of Hillsborough (the "Township"), on April 3, 1996, the Council on Affordable Housing ("COAH") granted substantive certification of Hillsborough Township's Housing Element and Fair Share Plan, acting pursuant to the New Jersey Fair Housing Act, N.J. Stat. Ann. 52:27D-301 et seq. and N.J.A.C. 5:93. The Housing Element and Fair Share Plan are premised on development of the Project on the Project Site, which COAH found to be "available, approvable, suitable and developable" (the "COAH Approval"). On May 20, 1996, New Jersey Future, Inc. filed an appeal from the COAH Approval with the Appellate Division of the New Jersey Superior Court which is currently pending (the "COAH Appeal"). Notwithstanding the COAH Appeal, the COAH Approval remains in full force and effect.

8. On application of HAAL to the Planning Bd. on December 7, 1995, the Planning Board approved an amended general development plan for the Project (the "Amended GDP Approval"), which results in a residential building density of the Project of 3,000 dwelling units, together with an eighteen (18) hole golf course, recreation facilities, a nursing home, extended care, hospital and medical facilities, offices and a congregate care facility.

9. On June 27 and July 18, 1996, USH appeared before the Planning Bd. at workshop sessions, at which time USH advised that it was the contract purchaser of the Project Site and made a presentation demonstrating its experience in the development of

planned adult and retirement community projects and an overview of its development plans for this Project to be known as "Greenbriar At The Village".

10. On July 1, 1996, HAAL originally filed, and after a subsequent withdrawal, on December 23, 1996 USH refiled, App. No. 96-PB-40-MJ/PUD with the Planning Board for preliminary subdivision approval of Phase I of the Project covering Lots 27 and 34 of Block 11 of the Project Site, seeking the subdivision of 25 building lots (the "Phase I Application").

11. Phase I of the Project shall consist of twenty-five senior citizen residential lots along Amwell Road in the Southern portion of Greenbriar at The Village, a planned adult community ("Phase I").

12. At all times hereinbefore and hereinafter mentioned, the Petitioners, Planning Board and the Township all understood, acknowledged and agreed that the Project was to be served by central sanitary sewer collection and treatment facilities ("Sewer Service") proposed to be provided by the Township of Hillsborough Municipal Utilities Authority ("HTMUA").

13. At the present time, the Project Site is not included in the Township Wastewater Management Plan (the "Tp. WMP"). The existing "Wastewater Management Plan for Hillsborough Township, Somerset County, New Jersey" as dated May 10, 1988, prepared by Van Cleef Engineering Associates was approved by DEP on September 8, 1988, prior to the adoption of the PAC/HCF Ordinance and the GDP Approval. The "Amendment of the Wastewater Management Plan

for Hillsborough Township, Somerset County, New Jersey" was revised on October 18, 1995, and was approved by DEP on December 14, 1995, but did not include the Project Site, as shown on "Exhibit A" annexed hereto.

14. The proposed Somerset County/Upper Raritan Watershed Wastewater Management Plan as prepared by Malcolm Pirnie, Inc., dated November 1994 (the "County WMP"), was submitted to DEP on behalf of the County of Somerset ("Somerset County") for review and approval in November 1994, and does include the Project Site. Deborah A. Bechtel, Principal Environmental Specialist, Water Planning Group, DEP, issued a ten page review report to Malcolm Pirnie, Inc. on November 15, 1995, and Malcolm Pirnie, Inc., on behalf of Somerset County, submitted revisions to the County WMP on or about June 1, 1996. The County WMP is still pending before DEP in the review process.

15. Upon the information and belief of Petitioners, Somerset County is in the process of modifying the County WMP for submission to DEP, which modifications may result in the deletion or conditional deletion of the Petitioners' Lands from the County WMP (the "WMP Modifications").

PETITION

16. As a part of the revision process by Malcolm Pirnie, Inc., intended to result in the WMP Modifications to the County WMP being submitted to DEP, Somerset County invited comment from

the Township Committee of the Township of Hillsborough ("Township Committee") concerning the areas of the Township to be included in the County WMP.

17. At the request of the Township Committee, the Planning Board undertook a study to delineate the areas of the Township to be included in the County WMP and, at its meeting held on April 3, 1997, the Planning Board adopted three (3) resolutions whereby the Petitioners' Lands as the Project Site were recommended for inclusion within the County WMP.

18. Upon information and belief, the Township Committee is currently considering making its recommendation to the County as to those lands within the Township to be included within the County WMP, which recommendation may seek the removal of Petitioners' Lands from the County WMP (the "Negative Recommendation").

19. In anticipation of the Negative Recommendation, on April 21, 1997, Petitioners filed a Petition with the Township Committee and the Board of Freeholders of Somerset County seeking inclusion of Petitioners' Lands in the County WMP, a copy of which is annexed as "Exhibit B" and incorporated herein by reference.

210 In the event of a Negative Recommendation, Petitioners believe that the WMP Modifications submitted by Somerset County will seek the removal of Petitioners' Lands from the County WMP, and in the event that Somerset County submits the WMP Modifications to DEP prior to receipt of the Negative

Recommendation, Petitioners believe that the WMP Modifications may be expressly subject to the subsequent issuance of a Negative Recommendation by the Township Committee.

21. By reason of the foregoing, and for the following reasons, Petitioners by this Petition to DEP independently seek, and respectfully pray, that Petitioners' Lands be (or remain) included within the County WMP as the same is finally adopted and approved by DEP.

22. All of Petitioners' Lands were assembled as an integrated real estate parcel to be developed as the Project and serviced with Sewer Service from the HTMUA.

23 The Petitioners' Lands will have no recourse to Sewer Service unless the Project Site is included in the County WMP.

24. The PAC/HCF Ordinance and the Amended GDP Approval expressly contemplated that Sewer Service was to be provided to the Project by the HTMUA.

25. The Fair Share Housing Contract expressly contemplated that Sewer Service was to be provided to the Project by the HTMUA.

26. The COAH Approval is predicated upon Sewer Service to be provided to the Project by the HTMUA.

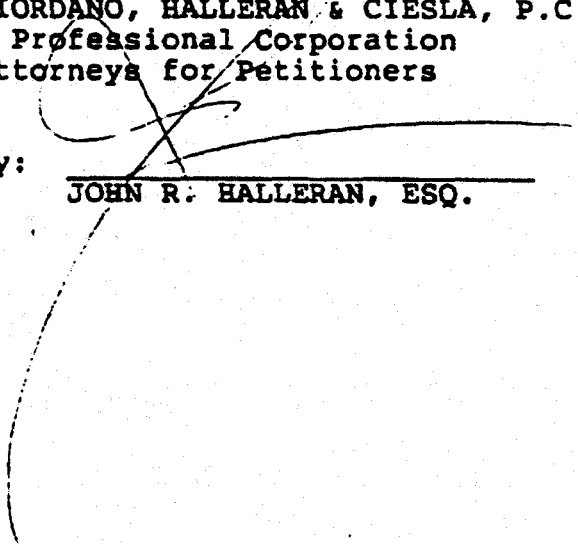
27. The inclusion of Petitioners' Lands within the County WMP is a condition precedent to the HTMUA providing Sewer Service to the Project.

28. The PAC/HCF Ordinance and the Amended GDP Approval for the development of the Project on Petitioners' Lands are wholly consistent with the New Jersey State Development And Redevelopment Plan adopted on June 12, 1992, which classified Petitioners' Lands in Planning Area 4 as a Village Center, as shown on "Exhibit C" annexed hereto.

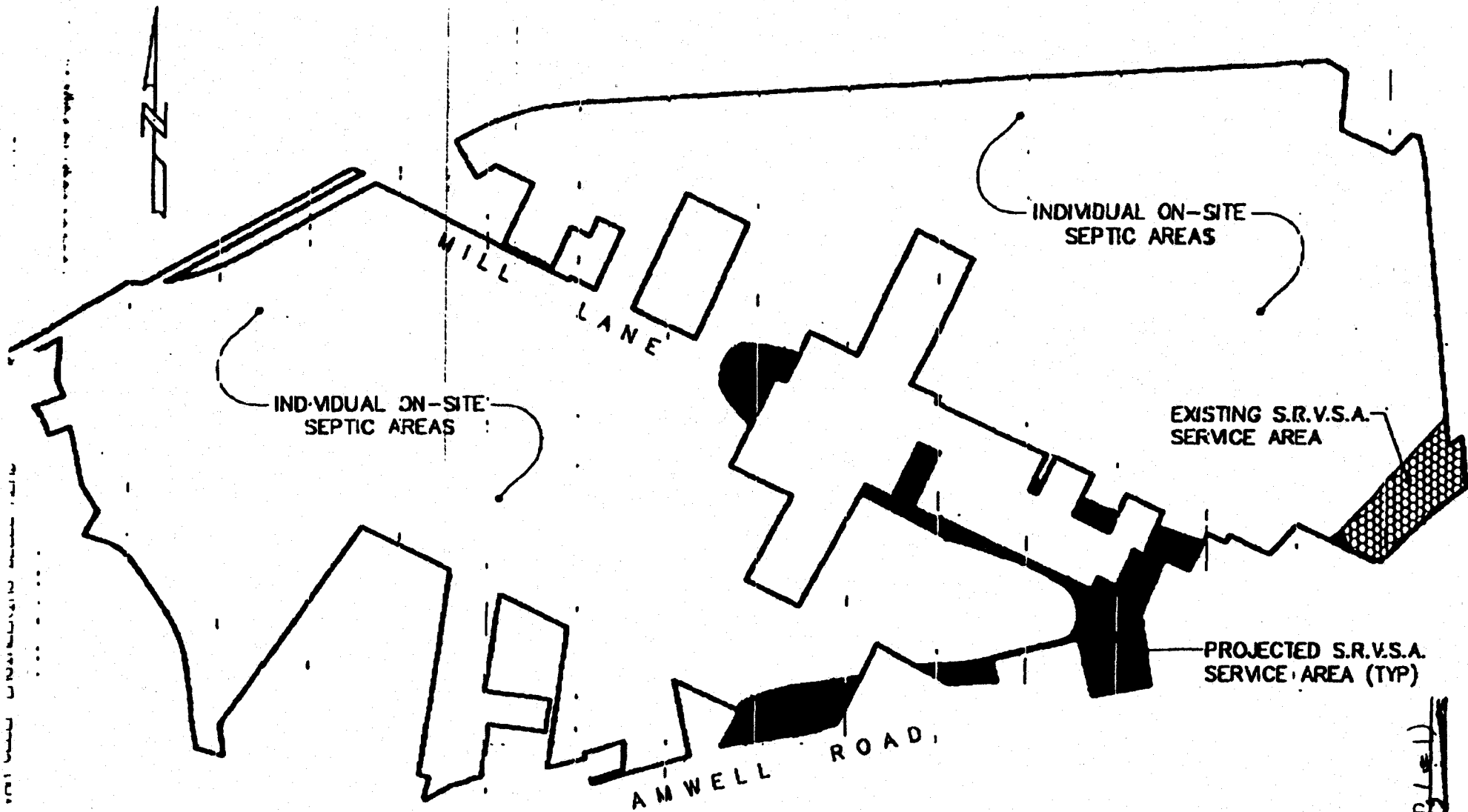
WHEREFORE, Petitioners U.S. HOME CORPORATION and HILLSBOROUGH ALLIANCE FOR ADULT LIVING, L.P. respectfully pray that the DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE STATE OF NEW JERSEY include the Petitioners' Lands in the Somerset County/Upper Raritan Watershed Wastewater Management Plan as the same is finally adopted by that Agency.

Respectfully submitted;

GIORDANO, HALLERAN & CIESLA, P.C.
A Professional Corporation
Attorneys for Petitioners

By: 
JOHN R. HALLERAN, ESQ.

Dated: April 28, 1997



SOURCE MAP:
SEWER SERVICE AREA MAP
FOR THE
WASTEWATER MANAGEMENT PLAN
FOR
HILLSBOROUGH TOWNSHIP
SOMERSET COUNTY, NEW JERSEY
PREPARED BY
VAN CLEEF ENGINEERING ASSOCIATES
AS AMENDED OCTOBER 18, 1995

SANITARY SEWER SERVICE AREAS:
FOR
GREENBRIAR AT THE VILLAGE
SITUATED IN
HILLSBOROUGH TOWNSHIP
SOMERSET COUNTY, NEW JERSEY
PREPARED BY
VAN CLEEF ENGINEERING ASSOCIATES
APRIL 25, 1997
SCALE: 1" = 1,000'

EXHIBIT A (G.L.S.D.)

SENT BY: JM 04/28/1998 NISD:\PROJ\SSW\S\0111111\00

EXHIBIT Y

77-91.1. PAC Planned Adult community. [Added 6-25-91 by Ord. No. 91-6]

A. Definitions.

(1) Planned Adult Community/Health Care Facilities (PAC/HCF) defined.

(a) A PAC/HCF, through its corporation, association or owners, shall have its land restricted by by-laws, rules, regulations and restrictions of record, so that it may only be used or occupied by permanent residents 55 years of age or older, with the following exceptions:

[1] A husband or wife under the age of fifty-five (55) years who is residing with his/her spouse who is fifty-five (55) years of age or over.

[2] Unemancipated children (as defined under New Jersey law) residing with their parents or parent where one (1) of the parents with whom the child or children are residing is fifty-five (55) years of age or over and where prior approval has been obtained from the PAC/HCF Homeowners Association and the Senior Citizen Housing Council based on reasonable specific standards and criteria to be developed by those entities.

[3] One (1) adult under fifty-five (55) years of age will be admitted as a permanent resident if it is established that the presence of such person is essential to the physical care of one (1) of the adult occupants who shall be fifty-five (55) years of age or over. If more than one (1) adult under fifty-five (55) years of age is necessary to care for the adult occupant fifty-five (55) years of age or over, approval shall be obtained from the Planned Adult Community/Health Care Facility Homeowners Association and the Senior Citizens Housing Council based on reasonable and specific standards and criteria to be developed by those entities.

(b) Ownership of the residential units and the area comprising a PAC/HCF may be in accordance with the provisions of N.J.S.A. 46:8B-1 et seq. (condominiums) or N.J.S.A. 46:8D-1 et seq. (cooperatives), or where the ownership may be as is commonly referred to as "fee simple," with open space to be maintained through assessment against property owners within the confines

- (1) Applications for development of a PAC/HCF shall require the following approvals:
 - (a) Classification by the Planning Board as PAC/HCF.
 - (b) General development plan approval.
 - (c) Preliminary subdivision and/or site plan approval.
 - (d) Final subdivision and/or site plan approval.
- (2) The application and approval procedure for the approvals delineated in the Subsection B(1) above shall be in accordance with Article V of these Development Regulations of the Municipal Code of the Township of Hillsborough and N.J.S.A. 40:55D-45.1 and 40:55D-45.2.
- (3) General development plan approval may remain in effect, provided that the applicant/developer returns to the Planning Board within five (5) years of the general development plan approval for the purpose of obtaining preliminary subdivision and/or site plan approval as to at least one (1) phase, and provided that progress reports are submitted every five (5) years to the satisfaction of the Planning Board demonstrating compliance with the terms of the general development plan. Preliminary subdivision and/or site plan approval as to any phase shall remain in effect for such length of time as set forth by the Planning Board in accordance with N.J.S.A. 40:55D-49, but in no event shall such approval remain in effect for less than five (5) years. Final subdivision and/or site plan approval shall remain in effect for such period of time as may be determined by the Planning Board in accordance with N.J.S.A. 40:55D-52.

C. General development plan.

- (1) Approval required; requirements.
 - (a) Permission for classification as PAC/HCF shall be sought from the Planning Board and that application shall consist of a demonstration of the boundaries of the land, its relationship to utilities and transportation and the applicant's willingness and ability to encompass the required facilities on site.
 - (b) A developer seeking approval of a PAC/HCF shall submit a general development plan to the Planning Board prior to the submission of any application for preliminary approval.

- (i) A housing plan outlining the number of housing units to be provided.
 - (j) A proposed timing schedule whose construction is contemplated over a period of years, including any terms and conditions which are intended to protect the interest of the public and of the residents who occupy any section of the PAC/HCF prior to the completion of the development. Improvements to infrastructure necessitated by the development shall be completed prior to the issuance of certificates of occupancy with respect to each phase of development contemplated by the PAC/HCF subject to the development regulations contained in this Chapter 77, Development Regulations, of the Hillsborough Township Municipal Code.
- (3) During general development plan review, the following criteria shall be established to the satisfaction of the Planning Board prior to any grant approval.
- (a) Consistency with township development regulations except as modified herein.
 - (b) The function and visual relationship between the PAC/HCF and adjacent developments.
 - (c) Satisfaction of the open space, recreational and conservation standards and purposes of this section.
 - (d) Availability of public sewers, water and transportation facilities (major collector roadways).

D. Zones where permitted; included elements.

- (1) A PAC/HCF shall be a permitted use in the RA, AG, RS, R, R1, CR, AH, RCA, TC, and PD Residential Zone Districts.
- (2) Included elements shall be as follows:
 - (a) Single-family detached dwellings and semidetached dwellings.
 - (b) Attached single-family dwellings (multiple family dwellings) with no side yard between adjacent buildings.

- (2) **Nursing homes, which are defined as assisted living facilities with continuous skilled nursing services for the semidependent and dependent elderly where all physical and psychological support functions are provided within the living environment.**
- (3) **Child-care centers, which shall be defined as any facility which is maintained for the care, development or supervision of six (6) or more children who attend the facility for less than twenty-four (24) hours a day. This term shall include but shall not be limited to such programs as private, nonsectarian, child-care centers, day-care centers, drop-in centers, day nursery schools, nighttime centers, infant/toddler programs, school-age programs, play schools, boarding schools, employment related centers, cooperative child-care centers, child-care centers which have already received approval by the Department of Human Services prior to the enactment of N.J.S.A. 30:5B et seq. and kindergartens that are not an integral part of an elementary education institution or system.**
- (4) **Elder-care centers, which shall be defined as facilities which are available to care for the elderly on a daily basis, which may provide food and medical care services, but which do not contain sleeping facilities and are available for use by the general elderly population within the community.**
- (5) **Respite-care centers, which are defined as facilities which are available to provide for the essential physical and psychological well-being of the elderly, on a short-term basis up to thirty (30) days, who may or may not be housed within the PAC/HCF community.**
- (6) **Medical centers, which shall be defined as any facility which provides independent medical care in a structured setting, including but not limited to hospitals, clinics, rehabilitation centers or facilities for the treatment of disease.**
- (7) **Hospice care; care that addresses the physical, spiritual, emotional, psychological, social, financial and legal needs of the dying patient and his or her family, that is provided by an interdisciplinary team of professionals and volunteers in a variety of settings, both inpatient and at home and that includes bereavement care for the family.**
- (8) **Volunteer fire companies and first aid and rescue squads.**
- (9) **Visitor centers, inns and meeting facilities.**
- (10) **Nonpublic limited-access air facilities.**

(c) Rear yard setbacks should be at least twenty (20) feet.

(7) Attached dwelling setbacks. Attached dwelling units or townhouse structures should have a front yard, side yard and rear yard setback of twenty (20) feet.

H. Affordable housing contribution requirements. It is the purpose of this section to provide for the health-care and lifestyle needs of senior citizens in a dignified and productive manner. This goal shall be accomplished through the creation of housing, health-care facilities and recreation and related support and service facilities. This section recognizes that its benefits are intended to accrue not just to senior citizens as a whole but to as large a percentage of lower-income senior citizens as is economically feasible. This section also recognizes the inherent relationship between lower-income senior citizen households and the increased need for health-care and related support service facilities. Such affordable housing and health facilities can only be provided in a sizable comprehensive development, such as that required for a PAC/HCF. Accordingly, a PAC/HCF shall construct a substantial portion of its housing so as to meet the affordability and health-care employee requirements delineated in Subsection H(1) hereafter.

(1) PAC/HCF housing and affordability requirements. [Amended 7-26-1994 by Ord. No. 94-4]

(a) Age-restricted housing.

[1] A PAC/HCF shall have ninety-five percent (95%) of its housing stock age-restricted. One-half (1/2) of such age-restricted housing shall be market value housing and one-half (1/2) shall be set aside for low- and moderate-income housing and least-cost housing.

[2] "Low- and moderate-income housing" shall be defined in accordance with regulations promulgated by the Council on Affordable Housing (COAH). The number of such units shall be determined by agreement between the Planning Board and the developer and shall be reflected in the subdivision and/or site plan approval for each phase. This obligation shall be ongoing throughout the completion of the development so as to assist the township in meeting its fair share obligation every six (6) years as required by COAH. In no event shall such number be less than the number of senior citizen units permitted by COAH regulations to be credited to the

I. Creation and administration of Senior Citizen Affordable Housing Trust Fund.

(1) There is hereby created a Senior Citizen Affordable Housing Trust Fund for the purpose of receiving contributions from the developers development sources in the Township of Hillsborough. Contributions made in fulfillment of the senior citizen affordable housing requirement shall be expended township-wide for the production of senior citizen affordable housing and related facilities and service facilities thereto, the maintenance and care of all senior citizens, whether residing in PAC/HCF or any dwelling within the township and the subsidization of the housing expenses of senior citizens caused by limited income or the draining of economic resources of senior citizens for health and related medical expenses and/or other justifiable debts and expenses or any combination thereof. Said contributions may also be utilized to cover the administrative costs in connection with said utilization of the moneys received.

(2) **Senior Citizens Housing Council.**

(a) There shall be created within one (1) year of the adoption of this section a Senior Citizen Housing Council whose purpose shall be to monitor the compliance of the township and the developers in providing and regulating housing for senior citizen families.

(b) The Senior Citizen Housing Council shall exercise any and all powers necessary and appropriate to carry out and execute the purposes of this section, including but not limited to the following:

[1] Prepare and submit to the Township Committee for approval such rules and regulations as it deems necessary or appropriate to implement the purposes and goals of this section. These include but are not limited to the following:

[a] Procedures for maintaining low- or moderately-priced dwelling units, once constructed as such.

[b] Procedures for establishing initial sales and rental prices and on the resale and rental and/or occupancy of such units to families of low or moderate income.

[2] To supply information to developers and all senior citizens and families of all ages and income strata to help them

[13] To assist the elderly in their existing living environment to maintain a dignified level of living through assistance in all avenue in care and maintenance.

[14] Prepare from time to time amendments and additions to the rules and regulations as it deems necessary or appropriate to implement the purpose of this section. Such amendments and additions shall not become effective until approved by the Township Committee.

J.

Open space requirements.

- (1) No less than twenty percent (20%) (less existing and proposed road rights-of-way) shall be devoted to agricultural, conservation, open space and/or recreational purposes. All one-hundred-year-flood hazard areas and one-hundred-foot-flood-hazard buffer areas plus wetlands and wetland buffers shall be retained in common open space. Individual residential lots or portions thereof shall not be construed as common open space. Such designated common open space shall be in major contiguous parcels interspersed among grouping of residents' dwellings and shall be interconnected with common open space areas upon abutting parcels having adequate access to the public and/or private roads and consisting of land developed for specific recreational purposes. Open space areas for purposes of this calculation shall not include, among other things, courtyards and cul-de-sac islands.
- (2) The design and use of common open space areas shall protect the natural resources and qualities of the site, including the natural terrain, woodlands, significant views and any unique or unusual features. Common open space other than that preserved for its natural values shall be suitably landscaped. All structures within open space areas shall be sited so as to retain their visual appeal. The Planning Board shall require such grading, drainage, planting, walkways, fencing, lighting and such other improvements in the common open spaces as may be necessary to enhance the intended open space and recreational uses.
- (3) Within common open space areas, the Planning Board may require the subdivider and/or land developer to make certain site preparation improvements, which may include but are not limited to the following: preservation and/or relocation of existing trees; removal of dead or diseased trees; thinning of trees or other growth to encourage more desirable growth; removal of trees in areas planned for ponds, lakes or active recreational facilities; grading and seeding; improvement or protection of the natural drainage system with the use of protective

EXHIBIT Z

RECEIVED

AUG 01 1991

RESOLUTION
PAC/HCF JOINT VENTURE
CLASSIFICATION OF A PLANNED ADULT COMMUNITY/HEALTH CARE
FACILITIES (PAC/HCF)
91-PB-19-PAC

HILLSBOROUGH TOWNSHIP
PLANNING DEPT.

WHEREAS, the applicant, a PAC/HCF Joint Venture, has applied for classification of a Planned Adult Community/Health Care Facilities for property located on Amwell Road and further described as Lots 1, 6, 13, 27, 28, 34, 44 and 44A in Block 11 and Lots 13A, 26, 27, 28, 33, 44 and 47 in Block 12 of the Hillsborough Township Tax Map; and

WHEREAS, at a hearing on July 18, 1991, the applicant submitted an informal plat prepared by VanCleeef Engineering Associates, dated July 17, 1991; and

WHEREAS, the Board after hearing pursuant to law and after due consideration of the testimony and argument of the applicant and/or its representatives or witnesses and on the evidence introduced at the hearing made the following determinations and findings of fact:

1. The applicant is a joint venture of numerous property owners requesting classification of their application for development as a PAC/HCF in accordance with Ordinance 91-6 (Section 77-91.1 of the Hillsborough Township Development Regulations).

2. In accordance with provisions of Ordinance 91-6, the applicants submitted the following testimony and proof to support the application for classification as a PAC/HCF:

A. The total tract area is 762.96 acres which meets the Ordinance requirements that a PAC/HCF shall have a minimum area of 450 acres.

B. Public sewers are available through the Hillsborough Township Municipal Utilities Authority sanitary sewer lines to be treated at the Somerset/Raritan Valley Sewerage Authority sewerage treatment plant.

C. Public water shall be provided from Elizabethtown Water Company.

D. The proposed development has access to major collector roadways, specifically Amwell Road (Somerset County Route 514), River Road (Somerset County Route 567) and Mill Lane.

E. The applicant intends to comply with the provisions of Ordinance 91-6 pertaining to the PAC/HCF criteria in that the applicant shall provide a Planned Adult Community with requisite health care facilities and related support services necessary to address the physical and psychological well-being of its adult residence.

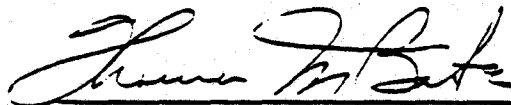
F. The applicant intends to develop the property so that it is 100% or as close as possible to 100% developed with age restrictions.

3. Testimony established that the property will be developed with sensitivity to the environment and to the neighbors of the development who are not part of the application.

WHEREAS, the Board has classified the application as a PAC/HCF on July 18, 1991.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Hillsborough on this 5th day of September 1991, that this Board does hereby classify this application as a PAC/HCF in accordance with the provisions of Ordinance 91-6 (Section 77-91.1 of the Hillsborough Township Development Regulations).

Certified to be a true copy of a Resolution adopted by the Planning Board of Hillsborough Township at a public meeting held on September 5, 1991.



Thomas Bates,
Chairman of the Board

RECEIVED

NOV 4 1991

RESOLUTION
GATEWAY AT SUNNYMEADE
CLASSIFICATION OF A PLANNED ADULT COMMUNITY FACILITY (PAC)
91-PB-22-PAC

HILLSBOROUGH TOWNSHIP
PLANNING DEPT.

WHEREAS, the applicant, GATEWAY AT SUNNYMEADE, has applied for classification of a Planned Adult Community Facility for property located on Route 206 and further described as Lot 1 in Block 140 and Lots 2.01, 7.01, 30 and 31.02 in Block 141 of the Hillsborough Township Tax Map; and

WHEREAS, at a hearing on September 5, 1991, the applicant submitted an informal plat prepared by J. Staats, Brokaw Associates, Inc., dated June 27, 1989 and revised to February 25, 1991; and

WHEREAS, the Board after hearing pursuant to law and after due consideration of the testimony and argument of the applicant and/or its representatives or witnesses and on the evidence introduced at the hearing made the following determinations and findings of fact:

1. The applicant is proposing development of a Planned Adult Community on 240 acres bordering Route 206. The application was submitted in accordance with the provisions of Ordinance 91-6 (Section 77-91.1 of the Hillsborough Township Development Regulations) and in accordance with said Ordinance the applicant submitted the following testimony and proof to support the application for classification as a PAC:

- A. The total acreage of the tract is 240 acres which exceeds the total acreage requirement of 200 acres for a PAC.

B. Public sewers and public water are available for the property.

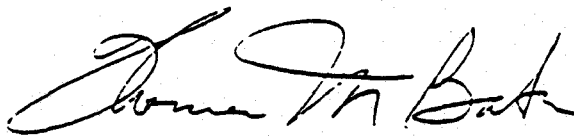
C. The proposed development has access to major collector roadways, specifically Route 206.

D. The Applicant intends to comply with the provisions of Ordinance No. 91-6 pertaining to the Planned Adult Community criteria in that the Applicant shall provide a Planned Residential Community dedicated for the use of a Planned Adult Residential Retirement Community.

WHEREAS, the Board has classified the Planned Adult Community on September 5, 1991 and now seeks to memorialize that action.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Hillsborough on this 3rd day of October 1991, that this Board does hereby classify this application as a Planned Adult Community in accordance with the provisions of Ordinance 91-6 (Section 77-91.1 of the Hillsborough Township Development Regulations).

Certified to be a true copy of a Resolution adopted by the Planning Board of Hillsborough Township at a public meeting held on October 3, 1991.



Thomas M. Bates
Thomas Bates,
Chairman of the Board

AA

3. In addition to the general development land use plan dated November 1, 1991, the applicant submitted a general development plan-land area plan prepared by Van Cleef Engineering Associates dated November 4, 1991 and a storm water management, sanitary sewer and water line feasibility plan prepared by Van Cleef Engineering Associates dated November 22, 1991. In addition, the applicant prepared a general development plan for the PAC/HCF dated November 22, 1991 and prepared by EcolSciences, Inc., A. Joseph Massimo, Associates, P.A., Architects, Engineers and Planners, Van Cleef Engineering Associates, Mc Donough and Rea Associates, Traffic and Transportation Consultants and Gulick Planning Services.

4. The specifics of the general development site plan and the general development plan document were supported by the testimony of Kenneth Paul, Environmental Consultant, Robert B. Heibell, N.J.P.E. and L.S., A. Joseph Massimo, Architect, Peter Vahala, Architect, John Rea, Professional Engineer and Traffic Consultant and Richard Gulick, Professional Planner.

5. The submitted plan, documents and testimony included and supported the following:

- A. A General Land Use Plan;
- B. Circulation Plan;
- C. Traffic Study;
- D. Open space plan;
- E. Utility plan;
- F. Storm Water Management Plan;

- G. Environmental Inventory Statement;
- H. Community Facility Plan;
- I. Housing Plan;
- J. Proposed timing schedule.

6. Further, the submitted plans, documents and testimony established the following:

- A. Consistency with Township development regulations;
- B. Function and visual relationship between the PAC/HCF and adjacent developments;
- C. Satisfaction of open space, recreational and conservation standards and purposes of the planned adult community ordinance;
- D. Availability of public sewers, water and transportation facilities.

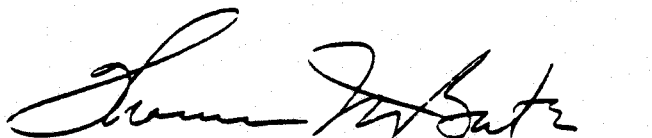
WHEREAS, the Board has granted approval of the general development plan on December 19, 1991 and now seeks to memorialize that action.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Hillsborough on this 2nd day of January, 1992, that this Board does hereby grant approval of the general development plan of the PAC/HCF, subject to the following conditions:

- 1. This approval is subject to the provisions of Ordinance 91-6 (Section 77-91.1 of the Hillsborough Township Development Regulations) and the time period for said approval is specifically subject to Section II, Paragraph 3 (77-91.1B of the Hillsborough Township Development Regulations).

2. If, upon preliminary or final site plan approval, the use of Mill Lane requires road widening and/or realignment, the applicant shall be responsible for the costs incurred in purchasing or condemning for said widening and/or realignment.

Certified to be a true copy of a Resolution adopted by the Planning Board of Hillsborough Township at a public meeting held on January 2, 1992.

A handwritten signature in cursive script, appearing to read "Thomas Bates", written over a horizontal line.

Thomas Bates,
Chairman of the Board

B B

**RESOLUTION
HILLSBOROUGH ALLIANCE FOR ADULT LIVING, L.P. (FORMERLY PAC/HCF JOINT VENTURE)
GENERAL DEVELOPMENT PLAN OF A PLANNED ADULT COMMUNITY
DEVELOPMENT/HEALTH CARE FACILITIES (PAC/HCF) (AMENDED)
APPLICATION NUMBER: 85-PB-46-GPP**

WHEREAS, the applicant, Hillsborough Alliance for Adult Living, L.P., has applied for approval of an amended general development plan for a PAC/HCF property located on Amwell Road and further described as Lot 1, 6, 10A, 13, 27, 28, 34, 44, and 44A in Block 11 and Lots 13A, 26, 27, 28, 29A, 33, 44, 45, and 47 in Block 122 of the Hillsborough Township Tax Map; and

WHEREAS, at a hearing on December 7, 1995, the applicant submitted revised general development plan prepared by Van Cleef Engineering Associates, dated September 27, 1995; and

WHEREAS, due notice has been served and published as required by law and all procedures have been followed as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and the Code of the Township of Hillsborough; and

WHEREAS, the Board after hearing pursuant to law and after due consideration of the testimony and argument of the applicant and/or its representatives or witnesses and on the evidence introduced at the hearing made the following determinations and findings of fact:

1. The applicant is Hillsborough Alliance for Adult Living, L.P., formerly PAC/HCF Joint Venture.
2. The applicant is seeking approval of an amended general development plan and previously received classification of a PAC/HCF by Resolution dated September 5, 1991.

3. The prior general development plan was approved by Resolution dated January 2, 1992.

4. Previously, in addition to the general development land use plan dated November 1, 1991, the applicant submitted a general development plan-land area plan prepared by Van Cleef Engineering Associates dated November 4, 1991 and storm water management, sanitary sewer and water line feasibility plan prepared by Van Cleef Engineering Associates dated November 22, 1991. In addition, the applicant prepared a general development plan for the PAC/HCF dated November 22, 1991 and prepared by EcolSciences, Inc., A. Joseph Massimo, Associates, P.A., Architects, Engineers and Planners, Van Cleef Engineering Associates, McDonough and Rea Associates, Traffic and Transportation Consultants and Gulick Planning Services.

5. Previously, the specifics of the general development site plan and the general development plan document were supported by the testimony of Kenneth Paul, Environmental Consultant, Robert B. Heibell, N.J.P.E. and L.S., A. Joseph Massimo, Architect, Peter Vahala, Architect, John Rea, Professional Engineer and Traffic Consultant and Richard Gulick, Professional Planner.

6. Previously, the submitted plan, documents and testimony included and supported the following:

- (a) A General Land Use Plan;
- (b) Circulation Plan;
- (c) Traffic Study;

- d. Open Space Plan;
- (e) Utility Plan;
- (f) Storm Water Manage Plan;
- (g) Environmental Inventory Statement;
- (h) Community Facility Plan;
- (i) Housing Plan; and,
- (j) Proposed Timing Schedule.

7. Previously, the submitted plans, documents and testimony established the following:

- (a) Consistency with Township development regulations;
- (b) Function and visual relationship between the PAC/HCF and adjacent developments;
- (c) Satisfaction of open space, recreational and conservation standards and purposes of the planned adult community ordinance;
- (d) Availability of public sewers, water and transportation facilities.

8. The applicant has revised the general development plan so as to include Lots 29A and 45 in Block 12 and now has a total land area of 757.73 acres.

9. The applicant has revised the general development plan so as to specify the single family residential density as 3,000 units.

WHEREAS, the applicant now seeks an approval for certain revisions to the general development plan, and;

WHEREAS, the Board has granted approval of the amended general development plan on December 7, 1995 and now seeks to memorialize that action.

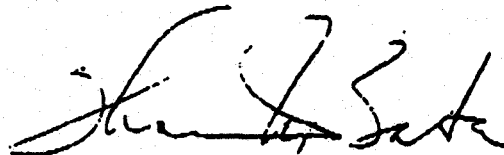
NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Hillsborough on this 7th day of December, 1995, that this Board does hereby grant approval of the revised general development plan of The Village, subject to the following conditions:

1. This approval is subject to the provisions of Ordinance 91-6 (Section 77-91.1 of the Hillsborough Township Development Regulations) and the time period for said approval is specifically subject to Section II, Paragraph 3 (77-091.1B of the Hillsborough Township Development Regulations) and shall commence from the date of this approval.

2. If, upon preliminary or final site plan approval, the use of Mill Lane requires road widening and/or realignment, the applicant shall be responsible for the costs incurred in purchasing or condemning for said widening and/or realignment.

3. That the residential density is limited to 3,000 units.

Certified to be a true copy of a Resolution adopted by the Planning Board of Hillsborough Township at a public meeting held on December 7, 1995.



Thomas Bates,
Chairman of the Board

C C

P.1/2 FS
CC
PB
9-12-96

GIORDANO, HALLERAN & CIESLA

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

125 HALF MILE ROAD

POST OFFICE BOX 190

MIDDLETOWN, NEW JERSEY 07748

19081 741-3900

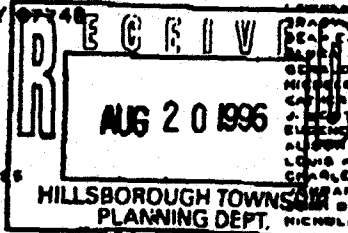
FAX: 19081 224-6598

441 EAST STATE STREET
TRENTON, NEW JERSEY 08611
19081 698-3900

PLEASE REPLY TO: MIDDLETOWN

DIRECT DIAL NUMBER:

August 19, 1996
VIA FAX 369-3954



STEVEN J. BRODMAN
TERENCE J. BOLAN
SUSAN S. DAVIS
DAVID M. EPSTEIN
LAURA H. ANDERSON
JOANNE S. GRAY
J. ANDREW RINNET
PAUL V. FERNICOLA
TIMOTHY D. LYONS
LAWRENCE J. SHARON
FRANK J. ARMSTRONG
DEAN T. COAN
MELISSA RUBENSTEIN
GEO. LULLY
MICHAEL BRUGERA
JAMES T. REACOR
JAMES ANDERSON
EUGENE BERAN
ALAN PIALA
LOUIS S. SAPIRMAN
CHARLES A. SCHUBSI
JOHN SILVERSTEIN
JOHN B. MARTINI
NICHOLAS SAN FILIPPO, IV

CERTIFIED CIVIL TRIAL ATTORNEY
& CERTIFIED CRIMINAL TRIAL ATTORNEY

FILE NO.

4328/052

JOHN C. GIORDANO, JR.
JOHN R. HALLERAN
FRANK S. CIESLA
BERNARD J. BERRY, JR.
THOMAS A. FLIBIN
JOHN A. AKILL
MICHAEL J. GROSS
MICHAEL L. FRIEDMAN DA
GEORGE J. TYLER
JOHN A. SHINE
NORMAN M. ROBBIE, CA
EDWARD S. RABELEY
STEVEN M. BERLIN
CHARLENE A. HUNT
DR. P. D. FOLENIA
WILLIAM J. BOWE
YORIE CRAFF
MICHAEL J. GANNING D
PAUL H. SCHWEDER
R. SCOTT TASHNY
MICHAEL A. GUEROUX
DAVID P. COMBAND D
ANTHONY R. GANUGO
ANNE COVEY
EDWARD C. BERTUCCIO, JR. D
ANDREW S. ROBIN
MICHAEL A. BRUNG
MARGARET S. CARNALI
KURT E. ANDERSON
PAUL T. COLELLA

COUNSEL
ELIZABETH GUGANIKWERYJ
OF COUNSEL:
S. THOMAS CAGLIANO

JOHN C. GIORDANO
1921-1998

Planning Board of the Township of Hillsborough
Municipal Building
Amwell Road
Neshanic, New Jersey 08853

Attention: Shirley Alberts Yannich, Township Planner

Re: Greenbriar at the Village
Block 11, Lots 1, 6, 10A, 13, 27, 28, 34, 44 and 44A
Block 12, Lots 26, 27, 28, 29A, 33, 44, 45 and 47
96-PB-16-MJ (the "Application")

Dear Planning Board Members:

As you are aware, this office represents U.S. Home Corporation the contract purchaser and applicant of Greenbriar at the Village ("Applicant") in the above-referenced pending Application and in that capacity, I have received a letter from the Township Planner dated August 14, 1996, in which she enclosed a report of the Hillsborough Township Environmental Commission ("Commission") dated August 8, 1996, pertaining to this Application (the "Commission Report"). Based upon the Commission Report, the Township Planner declared the Application to be incomplete. The purpose of this letter is to appeal that incompleteness determination to the full membership of the Planning Board of the Township of Hillsborough ("Planning Board"), and to request that the Planning Board determine the Application to be complete at its meeting on Tuesday, August 20, 1996.

The Commission Report does not serve as a lawful basis for a determination by the Planning Board that the Application is incomplete for purposes of substantive consideration. The first three pages of the Commission Report contain self-serving declarations by the Commission as to its purpose and its

GIORDANO, HALLERAN & CIESLAA PROFESSIONAL CORPORATION
ATTORNEYS AT LAWPlanning Board of the Township of Hillsborough
August 19, 1996
Page 2

understanding of the purposes for requiring an environmental impact statement (the "EIS"). Commencing on page 4 of the Commission Report, the Commission details what it perceives are specific "deficiencies" of the EIS. However, a review of these alleged "deficiencies" readily reveals that, at best, they constitute engineering considerations and details which are normally handled during the actual review process of the Application by the Planning Board. Indeed, it must be noted that the Commission has no legal status in respect of the Application, and is advisory only in respect of the Commission's relationship to the Planning Board.

U.S. Home Corporation has become increasingly concerned regarding the attitude expressed towards, and treatment accorded to, the Application to date by the Commission. It is the exclusive province of the Planning Board to determine whether or not the initial information supplied in conjunction with the Application is sufficient for the Planning Board to commence its substantive consideration of the Application and, in the course of that consideration, to require the Applicant to either present supplemental information or to make revisions and amendments to those plans and documents which have previously been submitted.

Accordingly, U.S. Home Corporation respectfully requests that the Planning Board reverse the incompleteness determination of the Township Planner based upon the Commission Report, and declare the Application to be complete for purposes of substantive consideration.

Respectfully,


JOHN R. HALLERAN

JRH/cd

cc: Mr. Gregory A. Snyder - Via Fax - 780-7752
Mr. Robert Heibell - Via Fax - 359-1580

D D

E E

**MUNICIPAL DEVELOPMENT AGREEMENT - 1
HILLSBOROUGH ALLIANCE FOR ADULT LIVING, L.P.
(FORMERLY PAC/HCF JOINT VENTURE)
APPLICATION NUMBERS: 91-PB-19-PAC, 95-PB-46-GPP**

THIS AGREEMENT, made and entered into this 27th day of February 1996, by and between **HILLSBOROUGH ALLIANCE FOR ADULT LIVING, L.P.**, located in Hillsborough Township, Somerset County, New Jersey, hereinafter referred to as the "developer" and **HILLSBOROUGH TOWNSHIP**, a municipal corporation of the State of New Jersey, with offices located at 555 Amwell Road, Neshanic, Hillsborough Township, Somerset County, New Jersey, hereinafter referred to as the "Township".

WHEREAS, the developer has acquired title to or has a contract interest in that certain tract or parcel of land (hereinafter referred to as the "Property") designated as Lots 1, 6, 10A, 13, 27, 28, 34, 44, and 44A in Block 11 and Lots 13A, 26, 27, 28, 29A, 33, 44, 45, and 47 in Block 122 of the Hillsborough Township Tax Map; and

WHEREAS, the developer has expressed an intent to develop the Property in accordance with Ordinance No. 91-6 (Section 77-91.1 of the Hillsborough Township Development Regulation), and as amended, and was granted classification as a Planned Adult Community/Health Care Facility by resolution of the Hillsborough Township Planning Board dated September 5, 1991, received approval of its General Development Plan by resolution of the Hillsborough Township Planning Board dated January 2, 1992, and further received approval of an amended General Development Plan by resolution of the Hillsborough Township Planning Board dated December 7, 1995; and,

WHEREAS, pursuant to said application for the General Development Plan, the developer has submitted an informal plat prepared by Van Cleef Engineering Associates dated July 17, 1991, a general development plan prepared by Van Cleef Engineering Associates dated November 1, 1991, and a revised general development plan prepared by Van Cleef Engineering Associates revised to September 27, 1995, a general development plan-land area plan prepared by Van Cleef Engineering Associates dated November 4, 1991, a storm water management, sanitary sewer and water line feasibility plan prepared by Van Cleef Engineering Associates dated November 22, 1991, and a report entitled General Development Plan for the proposed facilities dated November 22, 1991, and prepared by EcoSciences, Inc.; A. Joseph Massimo Associates, P.A., Architects, Engineers and Planners; Van Cleef Engineering Associates; McDonough and Rea Associates, Traffic and Transportation Consultants; and Gulick Planning Services; and,

WHEREAS, the developer has submitted additional revisions and reports to Hillsborough Township, as required by the Township; and,

WHEREAS, in accordance with the provisions of the Fair Housing Act of 1985 (N.J.S.A. 52:27D-301 et. seq.), the Township has applied for substantive certification in order to meet its low and moderate income housing requirements as established by the Council on Affordable Housing (COAH); and,

WHEREAS, in accordance with the Hillsborough Township PAC/HCF Ordinance the developer has certain responsibilities to comply with affordable housing obligations and in consideration for meeting said obligations, the developer and the Township are entering into this agreement; and,

WHEREAS, COAH requires an agreement between the developer and Hillsborough Township concerning the construction of the municipality's second cycle affordable housing obligation within the developers tract; and,

WHEREAS, N.J.S.A. 40:55D-45.2(1) provides for a municipal development agreement between a municipality and a developer which deals with matters relating to the municipality and methods of mitigating the impact of the development on the municipality.

NOW, THEREFORE, in consideration of the foregoing and the agreements and conditions of the previously granted approvals and the anticipated applications and approvals of the preliminary and final major subdivision and site plan approvals to be made pursuant to the General Development Plan referred to above, it is mutually agreed by and between the parties hereto as follows:

1. In connection with the second cycle substantive certification, the PAC/HCF shall build one hundred thirty-six (136) affordable unites (15% x 906 units -- Phase I), in accordance with the terms and conditions of this agreement, which in turn will provide Hillsborough Township with a one hundred sixty (160) credit which, in turn, represents its final inclusionary component. Ninety-six (96) of those units (48 low and 48 moderate) shall be age restricted units, either for sale or rental or any combination as may be determined at the time of preliminary site plan and subdivision approval. Forty (40) units shall be non-age restricted rentals (20 low and 20 moderate) which in turn will produce a twenty-four (24) unit rental bonus credit. The developer understands that the formula which allows the Township to meet its final and inclusionary component is:

96	age restricted units
40	non-age restricted rental

24 rental bonus credit for committing to build
— 40 non-age restricted rentals
160

If, for any reason, COAH shall require a greater number than one hundred sixty (160) for Hillsborough to meet its obligation, the developer agrees to use best efforts to build such additional affordable housing units subject to the terms and conditions of this agreement.

2. The ninety-six (96) age-restricted fee simple or rental units shall constitute any combination of duplexes, townhomes, patio homes, apartments, condominiums and/or single family detached dwellings as the Hillsborough Township Planning Board and the developer may mutually determine is consistent with appropriate planning practices and subject to receipt of all approvals from Hillsborough Township and all other relevant agencies.

With regard to the forty (40) non-age restricted units, the developer shall comply in all respects with the rules and regulations promulgated by COAH so that the Township of Hillsborough shall receive a 2:1 credit bonus for each complying rental unit. The developer shall have the right to recapture the subsidized rental units following the termination of the thirty (30)-year rent restriction, subject to New Jersey Statutes and COAH rules.

The developer agrees to deliver thirty-two low and moderate age-restricted or non-age restricted units for occupancy at each of the 30th, 60th, and 80th percentile of certificates of occupancy issued for the fair market units of the development or more specifically on or before the 231st, 462nd, and 616th fair market certificates.

Further the balance of the forty (40) low and moderate non-age restricted units will be delivered on or before issue of a certificate of occupancy for the 693rd fair market unit, except that all low and moderate units shall be delivered no later than June 30, 2001, or five(5) years

from the date of Substantive Certification of Hillsborough Township's Fair Share Plan, whichever is later subject to certain occurrences as hereafter enumerated.

3. Nothing in this agreement shall relieve the developer of his responsibilities to comply with his affordable or least cost housing obligations under the Hillsborough Township P.A.C./H.C.F. Ordinance.

4. Pursuant to the developer's approval for an amendment to its General Development Plan, the developer shall have the right, with Planning Board approval, to build a maximum of three thousand (3,000) single family residential units exclusive of those living quarters which may be constructed as part of the obligation to build health care or health monitored living facilities.

5. Of the aforesaid three thousand (3,000) total units, 15% of them shall be set aside as affordable housing units making a total of four hundred fifty (450) such units. Assuming one hundred thirty six (136) affordable housing units are built in connection with the present substantive certification, up to three hundred fourteen (314) additional units shall be set aside to meet future fair share obligations on the part of Hillsborough Township over the next two or three cycles of substantive certification. The 15% set aside is based on a residential density of four (4) units per acre.

6. Waiver of Development Fees: the first phase of the inclusionary development shall consist of nine hundred six (906) units of which the aforementioned one hundred thirty six (136) units shall be low and moderate units. The remaining seven hundred seventy (770) units shall be market value or least cost units and there shall be no development fees applied with respect to those units. With respect to the remaining two thousand ninety four (2,094) units,

development fees shall be applicable unless 15% of these units are set aside as affordable. Any other waiver would be subject to Township and COAH approval.

7. The developer hereby commits, subject to approval of Hillsborough Township Planning Board and all other approval authorities and in accordance with the terms and conditions of this agreement, to the construction of the forty (40) non-age restricted rental units so that the Township may obtain the rental bonus credit referred to in N. J. A. C. 5:93:-
5.14(c)6(d).

8. It is acknowledged that forty-two (42) acres of the developer's tract is located in Planning Area 2 with the remaining acreage presently being located in Planning Area 4. The parties acknowledge that substantive certification by COAH, and any obligation of the developer to proceed is premised upon the fact that sewers shall be made available to this site by reason of the site:

(a) Having received General Development approval prior to the New Jersey State Development and Redevelopment Plan.

(b) Being included, in its entirety, in the Somerset County Waste Water Management Plan which has received preliminary comments by NJDEP and is presently being reviewed by Somerset County for resubmission to DEP by April 1996.

(c) Having been reviewed by the Office of State Planning (OSP) and the assurance given to COAH by OSP that during 1996 cross acceptance process for the State Development Plan that the PAC site in Planning Area 4 will be recommended for inclusion in Planning Area 2. This inclusion would not prohibit the approval of sewers by NJDEP, but rather encourages such infrastructure.

(d) It is acknowledged and agreed that the approval of sewers for this project is essential for the development to begin and for the developer to proceed in good faith to construct the housing described in this agreement. When approval for sewers is received so the developer is able to obtain a CP-1 for the extension of the sanitary sewer lines throughout the development, the developer shall, within eight (8) months of the issuance of the CP-1 permit, submit a complete application to the Hillsborough Township Planning Board for preliminary subdivision and site plan approval for the units described in this agreement. It is acknowledged that this process may require such an interval of time that the anticipated timetable for the construction and delivery of Mt. Laurel housing as described in Paragraph 2 above, may not be met and the absorption rate of market units not fulfilled. In the event the anticipated timetable cannot be met, developer shall notify Hillsborough Township of its inability to provide all of the necessary Mt. Laurel housing in a timeframe specified. This notification may be made at any time but shall be made by the developer prior to December 31, 1998, so that alternative plans as described in this agreement may be instituted either by the developer and/or the Township.

9. At the Township's discretion, in order to insure that the Township can meet its fair share obligation through means other than the PAC, if circumstances beyond the control of the developer should occur and the developer notifies the Township that it has been unable to provide the necessary Mt. Laurel housing and/or has not been able to provide the Mt. Laurel housing within the timeframe specified or any extension thereto approved by COAH, the developer shall reserve and convey to the Township up to ten (10) acres of land with sewer availability, as is deemed necessary and suitable by the Township, for the construction of the

aforementioned one hundred thirty-six (136) affordable housing units or portion thereof not previously completed under this contract.

10. If for any reason the developer is unable to meet its obligations under this agreement for construction of affordable housing units including, but not limited to, the failure to obtain DEP sewer approval or approval of other agencies, the lands provided by the developer in Paragraph ~~8~~^{9.27} above, if transferred may be used by the Township of Hillsborough for Municipally sponsored affordable housing. The developer, in this case, shall have the right of first refusal to provide such Municipally sponsored housing on these lands.

11. All issues not specifically addressed in the agreement are preserved for consideration by the Planning Board at the time of any application for approval submitted to that body by the developer.

12. It is understood that a development with the complexity of the PAC.HFC cannot and should not have all its issues addressed and resolved in this agreement. The parties understand that the primary purpose of this agreement is:

(a) Provide COAH with reasonable assurance that the one hundred thirty-six (136) affordable housing units will be constructed

(b) That the developer will meet its obligation with respect to the forty (40) non-age restricted rental units

13. Developer agrees to cooperate with the Township of Hillsborough and provide any requested information for the designation of the Property as Planning Area 2 by the Office of State Planning.

14. The developer shall continue to pursue in every way possible sewer approval from NJDEP.

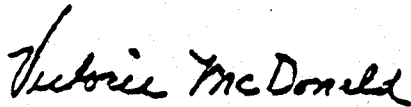
15. The administrative agency which shall administer the low and moderate income housing for this Development shall be the Somerset County Coalition on Housing whose cost shall be borne by the Developer pursuant to the agreement between the parties. It is understood that this cost will be \$350 per unit in 1996.

16. This agreement shall be binding upon the developer and its successors and/or assigns notwithstanding the fact that it may sell, transfer, encumber or otherwise dispose of the property or any portion thereof. The developer agrees to make this agreement a part of any contract for the sale of the Property as it may affect any lands which are intended to be the subject of this agreement. The Township shall have the right to record this agreement and/or place a notation on the Township tax or assessment search reflecting this agreement.

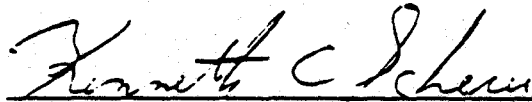
IN WITNESS WHEREOF, the said parties have hereunto caused this agreement to be signed by their proper corporate officers and have caused their proper seal to be affixed the day and year first above written.

Attest:

TOWNSHIP OF HILLSBOROUGH



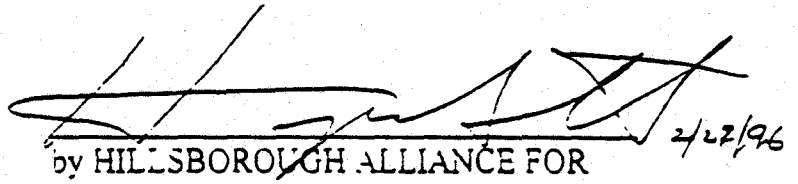
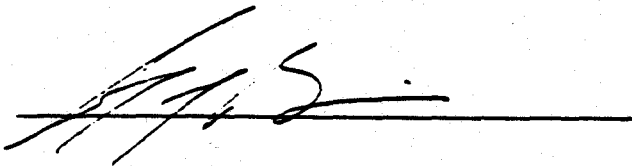
Victoria McDonald, RMC, CMC, AAE
Township Clerk



Kenneth Scherer
Mayor

Attest:

HILLSBOROUGH ALLIANCE FOR
ADULT LIVING, L. P.



2/27/96

by HILLSBOROUGH ALLIANCE FOR
ADULT LIVING, INC., G. P.

Harry B. Smith

President

FF

GROWTH MANAGEMENT AREAS

These areas are proposed to have a wide range of development intensity. Generally, a mixture of residential, employment centers and an occasional convenience commercial area are anticipated. The major areas of retail services are anticipated to be in or near the "Community Settlement" areas, but a limited number of small, convenience areas should be anticipated in the growth management areas to serve nearby residents and employees and eliminate the need to travel the major highway system for convenience items.

Throughout the growth management area the intensity of development will depend on the character of the area, the reasonableness of the local development controls, and the ability of the area to accommodate development considering highway access, utilities, environmental conditions, etc.

In already developed areas, new development should be at intensities similar to the character of the existing development provided the site can accommodate the necessary off-street parking (and off-street loading where appropriate), setbacks, and other design criteria. If proper design criteria cannot be met, then the intensity of development should be scaled back.

In the outlying areas not yet developed, the intensity of development would be expected to be less than in the more developed portions of the Growth Management Areas. This is consistent with the Plan. As the distance from the major business centers or from the major highways and transportation facilities increases, or where the capacity of the utility systems diminishes, the intensity of development should diminish as well. Where the County and local plans anticipate an expansion of the infrastructure, additional intensity can be expected to match the level of public services. But continued expansion of infrastructure is not intended. The closer one gets to the planned limits of growth, the less likely will be the intention of providing serviceable infrastructure.

RURAL PRESERVATION

The purpose of this category is to preserve a rural land use pattern in portions of the County and to protect natural resources and the open character of the area. The Millstone Valley, Sourland Mountains, Neshanic Valley and Upper Raritan Watershed are generalized areas within the County which are shown in this classification. These are areas with a predominance of low-density, single-family and estate uses, large areas of agriculture, headwater areas and no major public facilities. The recommended density, therefore, is quite low and uses

such as agricultural operations, large-lot, single-family, estate type planned development, spacious institutional and other open space oriented uses are strongly encouraged. Accordingly, capital intensive improvements involving major highway widenings, sewer interceptors and other major public utilities should be directed away from these areas because it is not cost efficient and induces additional development activity.

Also traversing portions of the rural preservation areas are major travel corridors where regional highway access is available, but the surrounding land use is low-density development and public utilities are not available. Low intensity office research uses could be accommodated in areas with direct highway access, such as at the I-78/Rattlesnake Bridge Road Interchange, depending on the ability to provide needed infrastructure and environmental constraints. If such uses are planned, they should be done so with the aim toward limiting the conversion of nearby vacant and estate properties into a piece-meal residential pattern and spurring continued sprawl development. Their design should also center around a node concept in order to provide for compensating reaches of open space which are an essential element in rural preservation areas.

One of the most significant impacts of permitting even low intensity commercial uses in rural areas (in the floor area ratio range of .05 to .15) is the increased vehicular traffic fostered by this type of development. As such, it is important that commercial uses in rural preservation areas not only be oriented to state/interstate highway facilities, but also contain restrictive trip generation requirements and comprehensive transportation management programs so as to lessen the impact on the rural local roads.

In the long term, the rural preservation category as a whole will provide land which can logically be converted from a rural designation to development as the County's growth management areas build up. The immediate protection of large expanses of open spaces and natural resources within them, however, is an essential element for the County's planning. This can largely be accomplished by innovative and flexible zoning approaches which allow landowners the right to develop uses and receive commensurate economic returns, while still preserving a rural land use pattern.

COMMUNITY SETTLEMENTS

Community settlements largely represent built-up boroughs and established villages which have supporting public facilities and services. They have a sense of identity and diversity in type and character of development. Examples include the Boroughs of Bound Brook, Bernardsville and Rocky Hill, Hillsborough Town Center and the Village of Kingston in Franklin Township.

G G

fiscal responsibility and foresight. The ability of the State and its citizens to generate revenue for expensive new infrastructure and natural resource protection programs is not unlimited, so public funds should be used to maximize capacity per unit of investment. For instance, if a certain amount of public investment in a compact form of development can support more development than the same amount invested to support a sprawl pattern, then the fiscal capacity of the State is enhanced by investing in the more compact form.

4. STATEWIDE POLICIES

Statewide coordination of planning will be achieved through the application of the Plan's "Statewide Policies." These Policies are designed to improve both the planning and the coordination of public policy among all levels of government so that we can overcome existing problems and not create new problems in the future. The Statewide Policies address seventeen substantive areas of concern:

Equity; Comprehensive Planning; Resource Planning and Management; Public Investment Priorities; Infrastructure Investments; Economic Development; Urban Revitalization; Housing; Transportation; Historic, Cultural and Scenic Resources; Air Quality; Water Resources; Open Lands and Natural Systems; Energy Resources; Waste Management; Agriculture; and Areas of Critical State Concern.

Statewide Policies are designed to improve intergovernmental coordination of planning in a complex, highly diverse state. They will not, in and of themselves, lead to the patterns of development necessary to achieve the Goals of the Act. They need to be applied to public and private decisions through a management "struc-

ture" that accounts for the geographic diversity of the State and the unique opportunities and constraints that this diversity presents in terms of achieving the Goals of the Act. The Plan calls this structure the "Resource Planning and Management Structure."

5. RESOURCE PLANNING AND MANAGEMENT STRUCTURE

The Resource Planning and Management Structure identifies the types of compact forms of development that are desirable and necessary to assure efficient infrastructure and protection of natural and environmental resources in the various regions of the State. It also identifies the regions of the State within which there are critical natural and built resources that should be either protected or enhanced in order to achieve the Goals of the State Planning Act. The compact forms are called "Centers" and the regions are called "Planning Areas."

Centers

The State Plan contemplates the following five types of Centers:

- Urban Centers**
- Towns**
- Regional Centers**
- Villages**
- Hamlets**

Centers are compact forms of development that, compared to sprawl development, consume less land, deplete fewer natural resources and are more efficient in the delivery of public services. The concept of Centers is the key organizing principle for new growth and development in the State. Centers have a core of

Overview of the State Plan

public and private services and an area surrounding the core defined by a "Community Development Boundary." The Community Development Boundary of a Center defines the geographic limit of planning for development of the Center. In areas served by urban infrastructure, the boundary should be drawn to define areas for development and redevelopment activity, coordinated public resource investment, planning for transportation linkages, and other purposes. In areas served, or to be served, by community infrastructure (primarily in exurban and rural areas), the boundary should be drawn to delineate, in addition to the purposes described above, the limit of future extension of a Center's capital facility services and, therefore, the geographical extent of its future growth. Areas outside of the Centers' community development boundaries are the "environs" of the Centers, and these environs should be protected from the impacts of development within the Centers and from other sources.

The amount of growth that should occur in any particular Center depends upon its capacity characteristics and the unique opportunities and constraints presented by the Planning Area in which it exists. Centers should be planned and maintained so that they develop a unique character and "sense of place," attributes of desirable communities described earlier as "Communities of Place."

Planning Areas

Planning Areas serve a pivotal role in the State Plan by setting forth Policy Objectives that guide the application of the State Plan's State-

wide Policies within each area, guide local planning and decisions on the location and size of Centers within Planning Areas and protect or enhance the environs of these Centers. In all cases, the application of Planning Area Policy Objectives serve to achieve the Goals of the State Planning Act.

The Planning Areas are:

- PA 1 Metropolitan Planning Area**
- PA 2 Suburban Planning Area**
- PA 3 Fringe Planning Area**
- PA 4 Rural Planning Area**
- PA 5 Environmentally Sensitive Planning Area**

The Planning Areas (e.g., PA 5) are geographically delineated to reflect the conditions (e.g., environmentally sensitive natural resources) that the Act requires the Plan to address through policies (e.g., Statewide Policies on Natural and Cultural Resources). Because each Planning Area has different characteristics, it is unique and requires a unique set of Policy Objectives. These Policy Objectives orient the application of Statewide Policies to assure proper development of the Centers and adequate protection of their environs, all within the context of each Planning Area's unique conditions. The capacities of infrastructure, natural resource and other systems should be major considerations in planning the location and intensity of growth in each Planning Area. In the Metropolitan and Suburban Planning Areas, development and redevelopment activities should promote progress toward the sense of place inher-

III. THE RESOURCE PLANNING AND MANAGEMENT STRUCTURE

The Resource Planning and Management Structure integrates two critical concepts of the State Plan Centers and Planning Areas. Centers are "central places" within Planning Areas where growth should either be attracted or not attracted, depending upon the unique characteristics and growth opportunities of each Center. Each Planning Area is a large mass of land with tracts that share certain characteristics. These characteristics suggest that growth must be guided to certain locations and in certain patterns within the Planning Area to take advantage of, or to protect, the characteristics of the Planning Area. Areas outside Community Development Boundaries of Centers are their "environs," and the environs of Centers should be protected from the growth that occurs in the Center.

The Plan's provisions for Centers and Planning Areas work together. Planning Area provisions describe the opportunities and limitations for both development and conservation/protection. Planning Areas have two components: Centers and environs. Many Centers will absorb the growth that is projected to occur in

the Planning Areas; the environs are outside the Community Development Boundaries of Centers and should be conserved or protected from Center activities. In other words, Planning Areas with Centers have foci for development, and Centers within Planning Areas have Policy Objectives and other criteria to guide their location and to protect their environs. Applying the Statewide Policy Structure through the Resource Planning and Management Structure will achieve the Goals of the State Planning Act. The reader should also refer to Section II, 3. (The Statewide Policy Structure/Statewide Policies/Resource Planning and Management) for further discussion of Centers and Planning Areas.

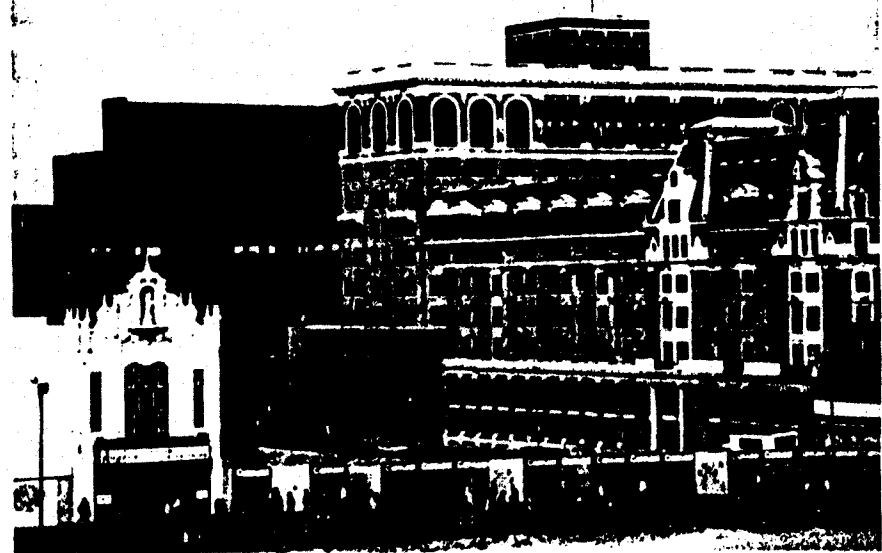
A. Centers

The State Plan provides for five types of Centers: Urban Centers, Towns, Regional Centers, Villages and Hamlets. The Centers included in the State Plan are listed in Appendix C and are reflected on the official map of the State Plan — the Resource Planning and Management Map (RPMM).

1. URBAN CENTERS

Urban Centers are the largest of the Plan's five Centers. These Urban Centers offer the most diverse mix of industry, commerce, residences and cultural facilities of any central place. While all Urban Centers have suffered decline, they still contain many jobs and households. They are repositories of large infrastructure systems, industrial jobs, corporate headquarters, medical and research services, universities, government offices, convention centers, museums and other valuable built assets. They are also home to a large pool of presently unskilled labor that could, with appropriate investment, become among the State's most valuable human resource assets. Historically, public agencies at all levels have invested heavily in these Centers, building an intense service fabric that, with repair that must occur anyway, offer a solid foundation for new growth in the future. Given these attributes of the State's Urban Centers, new employment that takes advantage of the work force potential of the Urban Centers should be encouraged.

Urban Centers anchor growth in their metropolitan areas, and their influence extends throughout the State, often across State lines and even internationally. They have a distinct central business district and many neighborhoods, many of which may have cores of shop-



The Atlantic City Boardwalk hosts conventioners and tourists from across the country.

ping and community services. While redevelopment is gradually reducing the gross density of these Centers, they are still compact compared to surrounding suburban communities and serve as the hub for communication and transportation networks in their regions.

Where an Urban Center shares a network of public services and facilities with surrounding municipalities, a county or other regional entity may, at the discretion of the county and municipalities, coordinate growth and public services as an "Urban Complex" according to a strategic economic revitalization plan and program prepared by the county or regional entity.

Urban Centers anchor growth in their metropolitan areas, and their influence extends throughout the State, often across state lines and even internationally.

Centers

Criteria for Designating Urban Centers

- (1) Fully developed, with an infrastructure network serving its region; and
- (2) A population of more than 40,000; and
- (3) A density exceeding 7,500 persons per square mile, excluding water bodies; and
- (4) An employment base of more than 40,000 jobs; and
- (5) A job-to-dwelling ratio of 1:1 or higher; and
- (6) Serves as the primary focus for commercial, industrial, office and residential uses in the Metropolitan Area, providing the widest range of jobs, housing, governmental, educational and cultural facilities in the region and providing the most intense level of transportation infrastructure in the State; or
- (7) In lieu of all the above, a history of population and employment levels that are consistent with the above six criteria; and
- (8) In conjunction with either of the above two options (criteria 1-6 or 7), the municipal boundary of the Urban Center is used in the application of the criteria and serves as the boundary of the Urban Center.

2. TOWNS

Towns are the existing places that are traditional centers of commerce or government throughout the State. They are relatively free-standing in terms of their economic, social and cultural functions. Like Urban Centers, but at a lesser scale, Towns reflect a higher level of investment in public facilities and services than

their surrounding environs. They provide a core of commercial services to adjacent residents and provide employment in their regions.

Towns contain several neighborhoods that together provide a highly diverse housing stock in terms of types and price levels. Towns have a compact form of development with a defined central core containing shopping services, offices and community and governmental facilities.

Criteria for Identifying Towns

The following criteria are intended as a general guide for identifying Towns, and local conditions may require flexible application of the criteria to achieve the Policy Objectives of the Planning Area:

- (1) While smaller than an Urban or Regional center, it has a traditional, compact, mixed-use core of development providing all of the commercial, industrial, office, cultural and governmental functions commonly needed on a daily basis by the residents of the Town and its economic region; it has neighborhoods providing a mix of residential housing types, with infrastructure serving both the core and the neighborhoods; and
- (2) It has an existing population of more than 1,000 persons and less than 10,000 within the Community Development Boundary; and
- (3) It has a density of more than 1,000 persons per square mile, excluding water bodies; and
- (4) It is served by an arterial highway.

Resource Planning and Management Structure

3. REGIONAL CENTERS

Regional Centers may be either existing or planned (new). Existing Regional Centers vary in character and size, depending on the unique economics of the regions they serve. In the Metropolitan Planning Area (Planning Area 1), existing Regional Centers may include some smaller cities not designated as Urban Centers. In the Suburban Planning Area (Planning Area 2), existing Regional Centers often serve as major employment centers. In rural areas, they often are population centers and county seats, with small business districts serving both new exurbanites and long-time rural residents.

Planned Regional Centers should be located in the State's major corridors and designed to organize growth that otherwise would sprawl throughout the corridor and create unserviceable demands. They should be compact and

contain a mix of residential, commercial and office uses at an intensity that will make a variety of public transportation options feasible as the Centers are built out. Planned Regional Centers should have a core of commercial activity, and the boundaries of the Centers should be well defined by open space or significant natural features. Planned Regional Centers in the Metropolitan Planning Area should be carefully located, scaled and designed so as not to drain the economic growth potential of Urban Centers.

Both existing and planned Regional Centers are seen as developing over time and, therefore, should be carefully planned by municipalities and counties. Their locations in major transportation corridors should be determined through comprehensive, multi-jurisdictional corridor plans, developed cooperatively by municipalities and counties within the corridor. State agencies, including the Office of State Planning, should provide technical assistance in carrying out these corridor planning efforts.

Criteria for Identifying Existing Regional Centers

The following criteria are intended as a general guide for identifying existing Regional Centers, and local conditions may require flexible application of the criteria to achieve the Policy Objectives of the Planning Area:

- (1) It functions as the focal point for the economic, social and cultural activities of its economic

Residents of this regional center in the Metropolitan Planning Area can walk to work or to shops or to the commuter rail downtown.



Centers

- region, often serving as the county seat, with a compact, mixed-use (e.g., commercial, office, industrial, public) core and neighborhoods offering a wide variety of housing types; and
- (2) It has an urban or community-level infrastructure system serving the Community Development Area; and
 - (3) It has, within the Community Development Boundary, an existing population of more than 10,000 people in Planning Areas 1, 2 and 3 and more than 5,000 people in Planning Areas 4 and 5; and
 - (4) It has a gross density of approximately 5,000 persons per square mile (or approximately 3 dwelling units per acre) or more within the Community Development Boundary; and
 - (5) It has, within the Community Development Boundary, an employment base of more than 10,000 jobs in Planning Areas 1, 2 and 3 and more than 5,000 jobs in Planning Areas 4 and 5; and
 - (6) It is near a major public transportation terminal, arterial intersection or interstate interchange capable of serving as the hub for two or more modes of transportation.

Criteria for Identifying Planned (New) Regional Centers

The following criteria are intended as a general guide for identifying new Regional Centers, and local conditions may require flexible application of the criteria to achieve the Policy Objectives of the Planning Area:

- (1) It is planned to function as a focal point for the economic, social and cultural activities of its region, with a compact, highly intense, mixed-use (e.g., commercial, office, industrial, public) core and neighborhoods offering a wide variety of housing types; and
- (2) It meets all the Policy Objectives of the Planning Area in which it is located; and
- (3) It is near a major public transportation terminal, arterial intersection or interstate interchange capable of serving as the hub for two or more modes of transportation; and
- (4) It has access to existing or planned infrastructure sufficient to serve projected growth; and
- (5) (a) It is in a market area supporting high-intensity development and redevelopment and reflects characteristics similar to existing Regional Centers regarding employment and residential uses; or
(b) It is a single-purpose employment complex that can be retrofitted to form a full service, mixed use community, as described above; and
- (6) It is identified as a result of a corridor planning effort conducted on a regional basis, which includes participation of the municipalities, counties and state agencies that represent the major actors in the development of the corridor and is identified in county and municipal master plans.

4. VILLAGES

Villages are compact, primarily residential communities that offer basic consumer services for their residents and nearby residents. Villages are not meant to be Centers providing major

Resource Planning and Management Structure

regional shopping or employment for their regions. This larger economic function belongs to Towns and Regional Centers. The location of a Village should meet the Policy Objectives of the Planning Area within which it is located.

Criteria for Identifying Existing Villages

The following criteria are intended as a general guide for identifying existing Villages, and local conditions may require flexible application of the criteria to achieve the Policy Objectives of the Planning Area:

- (1) *It is primarily a mixed-residential community with a compact core of mixed uses (e.g., commercial, resource-based industrial, office, cultural) offering employment, basic personal and shop-*

- ping services and community activities for residents of the Village and its Environs; and*
- (2) *It is partially developed with water and wastewater systems serving only core Village activities; and*
- (3) *The existing and 2010-allocated population should not exceed 4,500 people; and*
- (4) *It has an existing net housing density within the developed area of at least 3 dwelling units per acre; and*
- (5) *It has reasonable proximity to an arterial highway and is served by a secondary street system.*

Criteria for Identifying Planned (New) Villages

The following criteria are intended as a general guide for identifying planned (new) Villages, and local conditions may require flexible application of the criteria to achieve the Policy Objectives of the Planning Area:

- (1) *It is planned to function primarily as a compact, mixed-residential community with a core of mixed uses (e.g., commercial, resource-based industrial, office, public) offering employment, basic personal and shopping services and community activities for residents of the Village and its Environs; and*
- (2) *It meets all the Policy Objectives of the Planning Area within which it is located; and*
- (3) *It is identified as a result of a municipal planning effort conducted with the participation of the county; and*

The traditional development patterns exhibited in this PA 4 village can be used as a model for accommodating future growth.



Centers

- (4) *It is identified in municipal and county master plans; and*
- (5) *It is located on an arterial highway on which the additional traffic load will not exceed NJDOT level-of-service standards, or will be accessible by other modes of transportation (e.g., transit line), and it will be served by a secondary street system; and*
- (6) *It is an area capable of being served by a community wastewater treatment system using existing technology to meet applicable standards; and*
- (7) *It has an expected population and employment corresponding to existing Villages in the area.*

5. HAMLETS

Hamlets are the smallest places eligible for Center designation in the State Plan. Existing Hamlets are found primarily in rural areas, often at crossroads. Hamlets are not synonymous with subdivisions. Although Hamlets are primarily residential in character, they have a small, compact core offering limited convenience goods and community activities, such as a multi-purpose community building, a house of worship, a tavern or luncheonette, a commons or similar land uses. The density of a Hamlet should conform to the carrying capacities of natural and built systems.

The location of Hamlets should meet the Policy Objectives of the Planning Area and be consistent with Statewide Policies for Centers.

Criteria for Identifying Existing Hamlets

The following criteria are intended as a general guide for identifying existing Hamlets, and local conditions may require flexible application of the criteria to achieve the Policy Objectives of the Planning Area:

- (1) *It is the smallest scale of compact settlement in the rural areas of the State, typically located at a crossroads with a small core of community-related functions (e.g., a commons, a luncheonette, a community activities building (area) that clearly distinguishes it from the standard, single-use, residential subdivision; and*
- (2) *It has a population of at least 25 people and not more than 250 people; and*
- (3) *It has no public water or sewerage systems; and*
- (4) *It has an existing range of housing types within the Community Development Area.*

While existing Hamlets presently have no public water or sewer system, if they are planned to accommodate new development, small-scale systems may be required and are encouraged. New development in existing Hamlets, however, should absorb the development that otherwise would occur in the Environs of the Hamlet. The amount or level of new development should conform to the capacities of natural resource and infrastructure systems that would exist in the absence of the water and sewer systems.

COMMUNITIES

of place

Resource Planning and Management Structure

Criteria for Identifying Planned (New) Hamlets

The following criteria are intended as a general guide for identifying planned (new) Hamlets, and local conditions may require flexible application of the criteria to achieve

the Policy Objectives of the Planning Area:



Rural character can be preserved and community identity enhanced by focusing development in hamlets.

(1) It is planned to function primarily as a small-scale, compact residential settlement with a compact core of convenience goods stores and community-related functions (including, for example, a commons, luncheonette or a community-activity building(s)/place(s)) that clearly distinguishes it from the standard, single-

use, residential subdivision; and
 (2) It meets all the Policy Objectives of the Planning Area within which it is located; and

- (3) It is identified as a result of a municipal planning effort conducted with the participation of the county and reflected in municipal and county master plans; and
- (4) It is a municipally planned small, compact, primarily residential settlement. It should be planned to absorb the development that would otherwise occur on tracts of land in the Environs. A Planned (New) Hamlet may require a small-scale public water and/or wastewater treatment system. The amount or level of development should conform to the capacities of natural resource and infrastructure systems that would exist in the absence of the water and sewer systems; and
- (5) It is located to accommodate up to 100 dwelling units without exceeding existing regional systems capacities and integrated into a regional network of communities with appropriate transportation linkages; and
- (6) It has a planned range of housing types; and
- (7) It has a Community Development Boundary that encompasses, generally, 10 to 25 acres, unless wastewater systems are not reasonably feasible, in which case the boundary may encompass as much as 100 acres (wastewater systems are preferred and should be installed to assure compact development, unless there are mitigating environmental factors that make septic systems, and the resulting larger lot sizes, preferable).

Planning Areas

B. Planning Areas

Planning Areas in the State Plan account for the unique qualities and conditions that exist in different areas of the State. Accordingly, each Area has Policy Objectives that guide growth in the context of these unique qualities and conditions. These Policy Objectives are intended to guide municipal and county planning in general and, specifically, to guide the location and size of Centers. The Policy Objectives also shape and define the application of the State Plan's Statewide Policies to consider the unique qualities and conditions that exist in each Area in meeting the Goals of the State Planning Act.

1. METROPOLITAN PLANNING AREA (PA1)

General Description

This Planning Area includes a variety of communities that range from large urban centers to post-war suburbs. Over the years, both the public and private sectors have made enormous investments in building and maintaining a wide range of facilities and services to support these communities. The massive public investment is reflected in thousands of miles of streets, trade schools and colleges, libraries, theaters, office buildings, parks and plazas, transit terminals and airports. Most of these communities are fully developed, or almost fully developed, with little vacant land available for new development. Much of the new growth, therefore, will take the form of redevelopment.

The communities in this Planning Area form a part of the metropolitan mass where municipal boundaries tend to blur. The nature of this settlement pattern can undermine efforts to address a host of functional problems on a municipal basis. It is increasingly impractical, for instance, to manage traffic congestion, solid waste disposal and air and water pollution locally. These and other concerns spill over from one municipality to the next, requiring a regional perspective on potential solutions.

These communities have many things in common: mature settlement patterns resulting in a diminished supply of vacant land; infrastructure systems that generally are beyond their reasonable life expectancy; recognition that redevelopment is, or will be in the not-to-distant future, the predominant form of growth; and a growing realization of the need to regionalize an increasing number of services and systems in light of growing fiscal constraints.

Intent

Managing growth in the Metropolitan Planning Area will be difficult unless the way planning and services are delivered is reconceptualized. Creating or maintaining a high quality of life in Metropolitan Planning Areas, therefore, will depend heavily upon our ability to govern in these areas effectively. This means creating cooperative regional programs and processes that empower municipalities to act jointly in replacing aging urban infrastructure, hold onto and expand employment opportunities, up-

**Resource Planning and Management Structure
Centers**

grade housing to attract a balanced residential population, stabilize a threatened environmental base, protect the existing community character of stable communities, manage traffic effectively and create greater opportunities for intrametropolitan public transportation. The Urban Complex is one of perhaps several administrative mechanisms (e.g., regional planning commissions) to promote such coordinated planning, decision making and implementation (also see the Glossary and following discussion under "Centers"). The Urban Complex presents an opportunity for both counties and municipalities in highly complex metropolitan regions to assure coordinated development of Urban Centers and their highly developed Environs.

The State Development and Redevelopment Plan makes public and private investment and reinvestment in the Metropolitan Planning Area a principal priority of State, regional and local programs. To sustain the economic performance of the Metropolitan Planning Area, redevelopment must be sensitive to the need to protect the viability of existing communities while affording opportunities for growth. Urban development and redevelopment must take advantage of the inherent benefits of historical development patterns Urban Centers and a network of interrelated suburbs, an extensive public transportation system, access to major regional and interstate markets and unique recreation and open-space opportunities.

The Metropolitan Planning Area includes a variety of communities that could be categorized as cities, towns or villages in the classical sense. Over time, however, the State's Metropolitan Planning Areas have evolved into a close-knit, compact settlement pattern where communities stand shoulder to shoulder. Perhaps the only truly distinct Centers remaining in the Metropolitan Planning Area are the older, larger cities that historically, and to some degree still, provide a focus for the region's economy, transportation system and governmental functions.

The Plan's focus on these cities, called Urban Centers in the Interim Plan, is key to achieving the intent of the State Planning Act. Yet this focus does not mean that preservation and redevelopment in the remainder of the communities should be ignored. Urban Centers, such as Newark and Camden, are made up of many "communities," not just one as is the case of a Village or Hamlet in suburban or rural areas. These communities within Urban Centers can become, and should be planned to become, Communities of Place in the future. In fact, communities throughout the urban areas of the State can become Communities of Place even if they are not identified as, or located within, a Center. While Centers in the Metropolitan Policy Area are the primary foci for future growth, redevelopment will be occurring throughout the Metropolitan Planning Area. Counties and other regional entities, such as "Urban Com-



In the Metropolitan Planning Area the State Plan promotes redevelopment that provides for economic growth while enhancing community character.

plexes" and regional planning commissions, should plan and coordinate development and redevelopment activity in communities outside of Centers to assure that these activities are contributing to the formation and maintenance of Communities of Place. These entities also might identify these communities and delineate Community Development Boundaries for local planning and coordination purposes.

Planning in the inner ring of older suburbs that have the strongest attachment to the major Centers should build upon, or reinvigorate, the

complementary relationship that exists. Suburbs further removed from these Urban Centers should orient to the smaller, community-level Centers found throughout the area for daily services and transportation links, but again, in a way that complements rather than competes with the major Centers.

Delineation Criteria

The following criteria are intended as a general guide for delineating the Metropolitan Planning Area, and local conditions may require flexible application of the criteria to achieve the Policy Objectives of this Planning Area.

- (1) *Densities of more than 1,000 persons per square mile; and*
- (2) *Existing public water and sewer systems, or with physical accessibility to said systems, and with access to public transit systems; and*
- (3) *Adjacent to the Suburban Planning Area; and*
- (4) *Land area greater than one square mile; and*
- (5) *A population of not less than 25,000 people;*
OR
- (6) *Areas that are totally surrounded by land areas that meet the criteria of a Metropolitan Planning Area, are geographically interrelated with the Metropolitan Planning Area and meet the intent of this Planning Area.*

...the Suburban Planning Area is a key area for accommodating market forces and demand for new development.

Policy Objectives

The following set of Policy Objectives is unique to the Metropolitan Planning Area and should be used to guide the application of the State Plan's Statewide Policies, the criteria for the identification of any existing or planned Centers appropriate in this Planning Area, the delineation of Community Development Boundaries around Centers and local and State-agency planning.

- (1) *Land Use: Guide new development and redevelopment to ensure efficient and beneficial utilization of scarce land while capitalizing on the inherent public facility and service efficiencies of the concentrated development patterns.*
- (2) *Housing: Preserve the existing housing stock through maintenance and rehabilitation and provide a variety of housing choices through development and redevelopment.*
- (3) *Economic Development: Promote economic development by encouraging redevelopment efforts such as infill and land assembly, public/private partnerships and infrastructure improvements.*
- (4) *Transportation: Capitalize on the high-density settlement patterns that encourage the use of public transit systems and alternative modes of transportation to improve travel among major population centers, employment centers and transportation terminals.*
- (5) *Natural Resource Conservation: Reclaim environmentally damaged sites and mitigate future*

Resource Planning and Management Structure

negative impacts, particularly to waterfronts, scenic vistas, any remaining wildlife habitats and to Critical Environmental/Historic Sites generally. Give special emphasis to addressing air quality concerns; provide open space and recreational amenities.

- (6) *Recreation: Provide maximum recreational opportunities by concentrating on the maintenance and rehabilitation of existing parks and open space while expanding the system through redevelopment and reclamation projects.*
- (7) *Historic Preservation: Integrate historic preservation with redevelopment efforts in a way that will not compromise either the historic resource or the area's need to redevelop.*
- (8) *Public Facilities and Services: Complete, repair or replace existing infrastructure systems to eliminate deficiencies and enable future development and redevelopment efforts.*
- (9) *Intergovernmental Coordination: Provide for the regionalization of as many public services as feasible and economical, and coordinate the efforts of State, county and municipal governments to ensure sound redevelopment, by encouraging private sector investment and providing supportive government regulations, innovative tax policies and other governmental policies and programs.*

2. SUBURBAN PLANNING AREA (PA2)

General Description

The Suburban Planning Area is generally located adjacent to the more densely developed

Planning Areas

Metropolitan Planning Area, but can be distinguished from it by a lack of high intensity Centers and by the availability of vacant developable land. The Suburban Planning Area is or will be served by urban infrastructure, except that there is limited, if any, availability of alternative modes of transportation to the automobile. The Area has generally been designated for growth in municipal master plans. As development expands to the Area's boundary, these services will become increasingly available if planned properly.

The Suburban Planning Area contains ex-urban lands that will be converted to suburban

Unmanaged, sprawl development in the Suburban Planning Area can be transformed into focused development centers where public services can be provided at a lower cost to the taxpayer.

subdivisions, office campuses or shopping centers. The Area's current development pattern lacks the compact settlement pattern of the older suburbs in the Metropolitan Planning Area and is almost entirely dependent on the private automobile for transportation, with few focal points for community interaction. Because the existing pattern of development is inefficient in terms of the cost of facilities and services, it pressures property taxes up to pay for services that are more expensive than they should be. This pattern also does little in terms of leveraging private sector investment. The misalignment that this pattern creates between facilities demand and facilities capacity results in traffic congestion, unavailability of affordable housing and destruction of open space that defines community character and sense of place.

Intent

The existing inventory of undeveloped and underdeveloped land in the Suburban Planning Area provides sufficient land area to accommodate much of the market demand for future growth and development in the State. While the less developed Planning Areas provide for additional growth and development, the Suburban Planning Area is a key area for accommodating market forces and demand



While much of the future growth pattern may already be influenced by the placement of major transportation services, sewer alignments, existing development and preliminary development approvals, this Planning Area offers opportunities to expand infrastructure efficiently from neighboring Metropolitan Planning Areas.

for new development. The intent of the State Development and Redevelopment Plan is to guide development into more efficient and serviceable patterns in this Area.

While much of the future growth pattern may already be influenced by the placement of major transportation services, sewer alignments, existing development and preliminary development approvals, this Planning Area offers opportunities to expand infrastructure efficiently from neighboring Metropolitan Planning Areas. Extended public services can, in turn, help create compact centers of development to support public transportation systems. "Retrofitting," or redeveloping existing settlements, provides additional opportunities to accommodate growth.

New development in the Suburban Planning Area should be designed to discourage sprawl. Internally oriented, mixed-use Centers that promote a sense of community should be designed for this Area. This will ensure fiscal responsibility, efficient and effective infrastructure, reasonable cost housing, reduced congestion and balanced economic development. Where possible, development should be concentrated in Centers. These Centers should be surrounded by open space systems that protect environmentally sensitive resources and provide regionally significant recreational opportunity.

Resource Planning and Management Structure Centers

Though the settlement pattern in the Suburban Planning Area has, to some degree, been determined by existing or planned infrastructure, by existing private sector expectations and rights and by pending development applications, there still exist many opportunities to direct growth into well-planned, compact Centers. Unique opportunities also exist to retrofit, or redesign, existing, single use developments into mixed-use Centers.

Centers in the Suburban Planning Area should be located and designed to meet the Policy Objectives of the Suburban Planning Area. Infrastructure should be provided preferably before, but in any case no later than, the impacts of development.

Delineation Criteria

The following criteria are intended as a general guide for delineating the Suburban Planning Area, and local conditions may require flexible application of the criteria to achieve the Policy Objectives of this Planning Area.

- (1) *Population densities of less than 1,000 persons per square mile; and*
- (2) *A land area contiguous to the Metropolitan Planning Area where it can be demonstrated that the natural systems and the existing or planned urban infrastructure (includes public water supply, sewers, storm water drainage and transportation) have the capacity to support development*

Planning Areas

that meets the Policy Objectives of this Planning Area; and

(3) *Land area greater than one square mile.*

Policy Objectives

The following Policy Objectives are unique to the Suburban Planning Area and should be used to guide the application of the State Plan's Statewide Policies, the criteria for identification of any existing or planned Centers appropriate in this Planning Area, the policies for delineating Community Development Areas and local and State-agency planning.

- (1) *Land Use: Guide development into compact Centers, including former single-use developments that have been retrofitted, or restructured, to accommodate mixed-use development, services and cultural amenities.*
- (2) *Housing: Provide a variety of housing choices primarily in mixed-use Centers or retrofitted commercial developments.*
- (3) *Economic Development: Guide opportunities for economic development into Centers that take advantage of public/private partnerships with respect to existing or planned infrastructure.*
- (4) *Transportation: Link Centers to the Metropolitan Planning Area and major highway and transit corridors by emphasizing the use of public transportation systems and alternative modes of transportation.*
- (5) *Natural Resource Conservation: Conserve open space and buffer areas of critical environmental concern.*

- (6) *Agriculture: Guide development to ensure the viability of agriculture and the retention of productive farmland in agricultural areas adjacent to the Suburban Planning Area.*
- (7) *Recreation: Target park land acquisitions and improvements to enable the integration of contiguous systems into the fabric of the settlement pattern and to provide passive recreational facilities.*
- (8) *Historic Preservation: Integrate historic preservation efforts with development efforts in a way that will not compromise either the resource's historic significance or the area's need to develop.*
- (9) *Public Facilities and Services: Time and sequence the extension of public facilities and services to support development in Centers and ensure adequate levels of public and private services.*
- (10) *Intergovernmental Coordination: Establish regional approaches to the planning and provision of facilities and services for development in Centers.*

3. FRINGE PLANNING AREA (PA3)

General Description

The Fringe Planning Area is at the edges of the developing Suburban Planning Area. The Fringe Planning Area does not have and is not planned to have, during current planning horizons, urban level infrastructure. The Area is primarily served by a rural, two-lane road network and on-site well water and wastewater systems. The Fringe Planning Area is a predominantly rural landscape with scattered small

A well-planned and managed Fringe Planning Area can be an effective buffer between more intensely developed urban and suburban areas and the agricultural and environmentally sensitive lands.

Resource Planning and Management Structure

communities and free-standing residential and commercial developments. Agricultural operations may still be active on a fairly large scale.

Without an affirmative effort to manage growth carefully in the Fringe Planning Area, development will most likely continue in a dispersed and inefficient pattern, making the future provision of public facilities and services very expensive. In addition, uncontrolled development in these areas will exacerbate conflicts with agriculture and environmentally sensitive features. More compact, deliberately designed community patterns can reduce land conflicts and encourage the preservation of rural character. A well-planned and managed Fringe Planning Area can be an effective buffer between more intensely developed urban and suburban areas and the agricultural and environmentally sensitive lands.

Intent

The State Development and Redevelopment Plan proposes that development within the Fringe Planning Area be concentrated in or at the edges of existing communities, or in well-planned, self-sufficient new communities, as Centers for accommodating the area's population and employment growth. The character, location and magnitude of new development should be based on the capacities of the natural and built environment systems. In the environs of Centers, the landscape should remain open. In Centers, infrastructure should be extensions of infrastructure systems in Planning Areas 1 or

2, or be designed and planned to connect to those systems in the future. Infrastructure for Centers should be provided primarily by the private sector.

Centers

New development in the Fringe Planning Area should be consistent with Statewide Policies and should be in discrete Centers located and designed to achieve the Policy Objectives for the Fringe Planning Area. Community infrastructure should be provided only in Centers and by the private sector, except where joint public/private investment would benefit the public interest. Growth should be guided to existing Centers before planned (new) Centers. The environs of Centers should be protected from the impacts of Center development and should be maintained as open land. Centers should serve as receiving areas for transfers of development rights.

Delineation Criteria

The following criteria are intended as a general guide for delineating the Fringe Planning Area, and local conditions may require flexible application of the criteria to achieve the Policy Objectives of this Planning Area.

- (1) *Population density of less than 1,000 people per square mile; and*
- (2) *Served by rural roadways and utilities, but generally lacking public wastewater systems except in existing Centers; and*

Planning Areas

- (3) Land area greater than one square mile; and
- (4) Does not include land that meets the criteria for Planning Areas 4 or 5; and
- (5) Area is adjacent to Planning Areas 1 or 2.

Policy Objectives

The following set of Policy Objectives are unique to the Fringe Planning Area and should be used to guide the application of the State Plan's Statewide Policies, the criteria for identification of existing or planned (new) Centers appropriate in this Planning Area, the policies for delineating Community Development Boundaries around Centers and local and State-agency planning.

- (1) *Land Use: Time and sequence development to be in concert with the provision of capital facilities and services in appropriately located and designed Centers.*
- (2) *Housing: Plan for a diversity of housing choices in Centers at appropriate densities to accommodate the area's projected growth.*
- (3) *Economic Development: Focus rural economic development activities, such as resource extraction, recreation and agriculture in the environs of the Fringe Planning Area and direct higher intensity employment concentrations in Centers.*
- (4) *Transportation: Establish and maintain a transportation system that links Centers to each other and to the Metropolitan and Suburban Planning Areas, encouraging alternatives to the single-occupancy vehicle whenever feasible.*



- (5) *Natural Resource Conservation: Strategically acquire open space to define Centers and to maintain contiguous open-space corridors.*
- (6) *Agriculture: Encourage farmland retention and minimize conflicts between agricultural practices and the location of Centers.*
- (7) *Recreation: Target park land acquisitions and improvements to ensure adequate recreational opportunities to satisfy local and regional needs.*
- (8) *Historic Preservation: Outside Centers, coordinate historic preservation needs with open space and farmland preservation efforts, and, within Centers, incorporate historic sites and structures as assets in development and redevelopment efforts.*
- (9) *Public Facilities and Services: Time and sequence the extension of public services to support development in Centers, primarily at private sector expense, while minimizing conflicts between the*

In the Fringe Planning Area, future growth can be accommodated by planning for "Communities of Place" rather than in sprawling, isolated subdivisions shown here.

The State Plan recommends a pattern of development in Planning Area 4 that promotes a stronger rural economy in the future while meeting the immediate needs of rural residents.

Resource Planning and Management Structure

Centers and the surrounding open space and agricultural uses.

(10) Intergovernmental Coordination: Establish coordination among all public service providers to ensure proper timing and sequencing of facility and service extensions.

4. RURAL PLANNING AREA (PA4)

General Description

The Rural Planning Area includes large masses of undeveloped land interspersed by sparse residential, commercial and industrial development; wooded tracts; rural towns and villages; and most of the State's prime farmland. The Area also includes lands related to other rural economic activities such as resource extraction and fishing. With respect to agriculture, these lands are currently under cultivation and are the State's most productive. They also have the greatest potential of sustaining continued agricultural activities in the future. Their location, current use and high soil quality distinguish them from agricultural lands in other Planning Areas.

In the major farming regions of the State, adequate water resources and large, contiguous tracts of land with minimal land-use conflicts are essential to sustaining successful farming operations and farmland productivity. Acceptable farming practices can protect prime, fertile soils. Prudent land development practices are required to protect water resources and retain large, contiguous tracts of agricultural

land. If a viable agricultural industry is to be sustained in the future, the conversion of some of these lands to nonfarm uses must be sensitive to the Area's predominant rural character and agricultural land base.

Intent

The State Development and Redevelopment Plan responds to the mandate of the State Planning Act to protect agricultural lands. It fulfills this goal by encouraging future rural development in a form that supports, rather than conflicts with, the Area's predominant rural character and agricultural land base. The State Plan recommends a pattern of development in Planning Area 4 that promotes a stronger rural economy in the future while meeting the immediate needs of rural residents. First, the Plan recognizes that the State's economic growth in the future, like that of the rest of the nation, will be considerably slower than in the 1980s. To accommodate an appropriate level of growth, therefore, rural areas will need strong economic centers. These centers will attract private investment that otherwise might not occur. Second, the Plan recognizes the need to locate certain farm services and businesses (e.g., farm suppliers, processors and marketing services) in Planning Area 4, but it encourages and promotes their concentration within Centers supported by the necessary infrastructure and investment. Accordingly, the Plan recommends strengthening the economic capacities of exist-



Policy objectives for the Rural Planning Area include priority treatment for farmland preservation funding.

ing centers and strategically locating new centers to minimize the negative impacts of growth on present and future farming operations. Such a pattern of development will strengthen non-farm rural economies at the same time that it assures maintenance of a strong, viable agricultural industry for the State. It is a pattern that also recognizes the fact that farm families and workers have become increasingly reliant on off-the-farm income.

The relationship between farm and non-farm land uses in New Jersey has always been a complex one. Many farmers benefit from the close proximity of residential and commercial

Centers. These Centers provide ready markets for farm produce. They also provide jobs and income which help to supplement the farm economy. On the other hand, the intrusion of nonfarm activities into agricultural areas can interfere with farming practices and make it more difficult to sustain a viable operation. In the Rural Planning Area, nonfarm land uses must develop at a density and in a manner that minimizes the potential for land-use conflicts. This can be achieved through the Centers strategy and by implementing other kinds of

sound land-use planning techniques.

Encouraging appropriate patterns of development in the Rural Planning Area would be considerably enhanced by a number of planning and mitigation tools. Such tools include clustering, capacity-based planning, timing and sequencing, privately coordinated multi-tract development, sliding-scale zoning, transfer of development rights programs, purchase of development rights programs, use assessment and "right-to-farm" laws. Such planning tools help to encourage land use patterns that ensure appropriate development and economic growth, while maintaining ongoing agricultural operations, land values and the rural character of this Planning Area.

Economic competition throughout the world in the future will be keen. With "quality

In the Rural Planning Area, nonfarm land uses must develop at a density and in a manner that minimizes the potential for land-use conflicts.

Resource Planning and Management Structure Centers

of life" becoming an increasingly important economic criterion, our pattern of development in the future must be carefully and thoughtfully planned. Rural New Jersey contributes substantially to the State's quality of life and will play an increasing role in its economic growth. New Jersey's rural areas, therefore, should not only offer strong economic centers but an ambience and character that make living and working there attractive as well. In other words, Centers and their Environs in the Rural Planning Area should complement each other.

The Plan seeks to promote strong economies in Centers while protecting both the agricultural features and the environmentally sensitive features that will maintain the character of the State's rural areas. To accomplish this objective, the Rural Planning Area includes a subarea: 4B -Environmentally Sensitive Planning Area. This subarea identifies productive farmland that also contains valuable ecosystems or wildlife habitats. For Planning Area 4 lands that are not in subarea 4B, the Policy Objectives for Planning Area 4 should be used in planning for Centers and for the conversion of any agricultural and nonagricultural lands in the Environs of Centers. On the other hand, for lands located in subarea 4B, the Policy Objectives of Planning Area 5 -Environmentally Sensitive Planning Area should be used in planning for Centers and for the conversion of such lands located in the Environs of these Centers.

New development in the Rural Planning Area should be consistent with Statewide Policies and should be encouraged in discrete Centers located and designed to achieve the Policy Objectives for the Rural Planning Area. Growth should be guided to existing Centers before planned (new)Centers. Community infrastructure should be provided only in Centers, and private sector investment should provide this infrastructure for planned (new) Centers. The environs of Centers should be protected from the impacts of Center development and should be maintained as open land. Centers should serve as receiving areas for transfers of development rights.

Delineation Criteria

The following criteria are intended as a general guide for delineating the Rural Planning Area, and local conditions may require flexible application of the criteria to achieve the Policy Objectives of this Planning Area.

- (1) *Population density of less than 1,000 people per square mile, outside Centers; and*
- (2) *Area greater than one square mile; and*
- (3) *Land currently in agricultural or natural resource production or having a strong potential for production:*
 - a. *Soils of local importance as determined by the County Agriculture Development Board; or*
 - b. *Prime and unique soils as determined by the U.S.D.A. Soil Conservation Service; or*

Planning Areas

- c. Soils of statewide importance as determined by the N.J.D.A. State Soil State Soil Conservation Committee; and*
- (4) *Undeveloped wooded tracts, vacant lands, and large, contiguous tracts of agricultural lands predominantly served by rural two-lane roads and individual wells and septic tanks; and*
- (5) *Farmland satisfying the above delineation criteria, as well as the delineation criteria for the Environmentally Sensitive Planning Area, is designated as Planning Area 4B Rural Environmentally Sensitive Planning Area.*

Policy Objectives

The following set of Policy Objectives are unique to the Rural Planning Area and should be used to guide the application of the State Plan's Statewide Policies, the criteria for identification of existing or planned (new) Centers appropriate in this Planning Area, the policies for delineating Community Development Boundaries around Centers and local and State-agency planning.

- (1) *Land Use: Enhance agricultural viability and rural character by guiding development and redevelopment into Centers. Ensure that the location, pattern and intensity of any development in the Environs maintains existing low-density development patterns that complement the rural character and landscape, and maintain large contiguous areas of open space. Any development in Planning Area 4 should be designed using creative land use and design techniques to*

ensure that it does not conflict with agricultural operations, does not exceed the capacity of natural and built systems and protects areas where past public investments in farmland preservation have been made.

- (2) *Housing: Encourage the production of reasonably priced housing for all segments of the population within Centers, recognizing the special locational needs of agricultural employees.*
- (3) *Economic Development: Promote economic activities within Centers that complement and support the rural and agricultural communities and that provide diversity in the rural economy and opportunities for off-farm income and employment.*
- (4) *Transportation: Maintain a transportation system that provides appropriate access of agricultural products to markets and accommodates the weight of modern agricultural equipment.*
- (5) *Natural Resource Conservation: Minimize potential conflicts between agricultural practices and sensitive environmental resources.*
- (6) *Agriculture and Farmland Preservation: Give priority to Rural Planning Area for farmland preservation funding and agricultural incentive programs.*
- (7) *Recreation: Provide active recreational opportunities through acquisition and development of parks in Centers and alternative recreational uses of farmland.*
- (8) *Historic Preservation: Outside Centers, coordinate historic preservation needs with farmland preservation efforts, and, within Centers, incorporate historic sites and structures as assets in development and redevelopment efforts.*

Resource Planning and Management Structure

- (9) *Public Facilities and Services: Support appropriate infrastructure development by establishing adequate levels of capital facilities and services to support Centers; to protect large contiguous areas of productive farmlands; to protect past public investments in farmland preservation programs; and to minimize conflicts between Centers and surrounding farms.*
- (10) *Intergovernmental Coordination: Coordinate efforts of various State agencies, county and municipal governments to ensure that State and local policies and programs support agriculture by examining the effects of financial institution lending, government regulation, taxation and other governmental policies and programs.*

lands; prime forested areas; scenic natural landscapes; and other significant topographical, geological or ecological features. These resources are critically important not only for the residents of the Planning Area, but for all New Jersey citizens. The future environmental and economic integrity of the State rests in the protection of these irreplaceable resources.

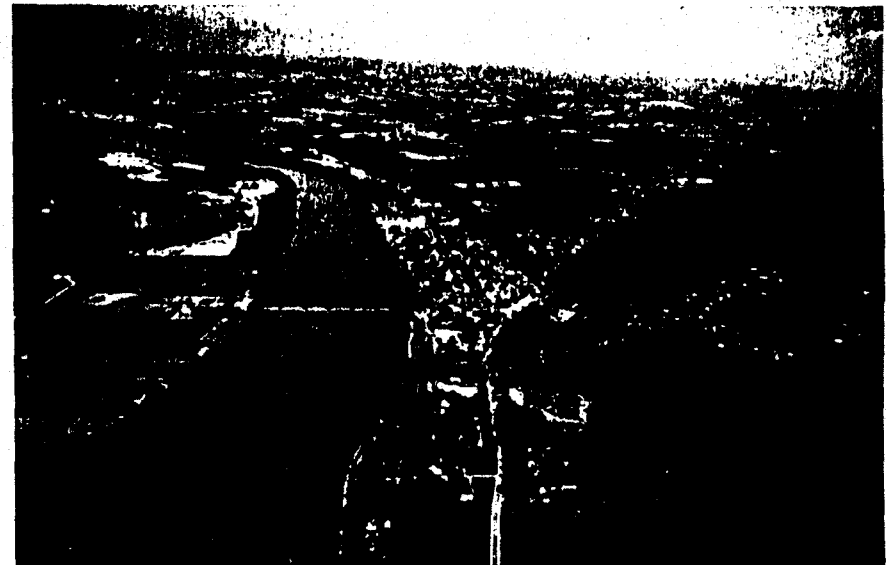
Existing Centers within the Environmentally Sensitive Planning Area have been, and often remain, the focus of residential and commercial growth and public facilities and services for their region. These Centers generally are linked to each other by rural roads and separat-

5. ENVIRONMENTALLY SENSITIVE PLANNING AREA (PA5)

General Description

The Environmentally Sensitive Planning Area has large contiguous land areas with valuable ecosystems and wildlife habitats. These lands have remained somewhat undeveloped or rural in character. They are characterized by watersheds of pristine waters, trout streams and drinking water supply reservoirs; recharge areas for potable water aquifers; habitats of endangered or threatened plant or animal species; coastal and freshwater wet-

The Environmentally Sensitive Planning Area meets the Rural Planning Area in this town along the Delaware River.



ed from other development by open spaces. Recreational facilities often have associated residential or commercial development. Mining, forestry and other resource-based industrial development also is found in these areas.

The Environmentally Sensitive Planning Area is highly vulnerable to uncontrolled new development that has by-passed Centers. Increasing demands for public services compounds tax burdens and fuels the chase for ratables. This drives the loss of contiguous open spaces, which are vital for the preservation of the ecological integrity of the State's natural resources.

Intent

The State Development and Redevelopment Plan provides for the protection of critical natural resources, the maintenance of the balance of ecological systems and beneficial growth. The ecological systems of the Environmentally Sensitive Planning Area should be protected by carefully linking the location, character and magnitude of development to the capacity of the natural and built environment to support new growth and development on a long-term, sustainable resource basis. Large contiguous areas of undisturbed habitat should be maintained to protect sensitive natural resources and wildlife, and they should capitalize and expand upon the inherent efficiencies of concentrated development patterns.

New development should be guided into appropriate Centers to preserve open space and

natural resources and to preserve or improve community character, increase opportunities for reasonably priced housing and strengthen beneficial economic development opportunities. Directing development from the environs to the Centers will ensure that the environs remain in low-density uses, or recreational, cultural or resource-extraction uses, or left undeveloped. The appropriate provision and scaling of public facilities and services should maintain the integrity and function of the ecological systems in this environmentally sensitive area. Strategic planning and investing also can accommodate beneficial development in Centers, both efficiently and equitably.

Centers

New development in the Environmentally Sensitive Planning Area should be consistent with Statewide Policies and should be in discrete Centers located and designed to achieve the Policy Objectives for this Planning Area. Growth should be guided to existing Centers before planned (new) Centers. Community infrastructure should be provided only in Centers, and private sector investment should provide this infrastructure for planned (new) Centers. The environs of Centers should be protected from the impacts of Center development and should be maintained as open land. Centers should serve as receiving areas for transfers of development rights.

The Environmentally Sensitive Planning Area is highly vulnerable to uncontrolled new development that has by-passed Centers.

Resource Planning and Management Structure

Delineation Criteria

The following criteria are intended as a general guide for delineating the Environmentally Sensitive Planning Area, and local conditions may require flexible application of the criteria to achieve the Policy Objectives of this Planning Area.

- (1) *Population densities of less than 1,000 persons per square mile outside Centers; and*
- (2) *Land area greater than 1 square mile, outside Centers; and*
- (3) *Areas outside Centers exhibiting one or more of the following features:*
 - (a) *trout production waters and trout maintenance waters and their watersheds;*
 - (b) *pristine non-tidal Category I waters and their watersheds upstream of the lowest Category I stream segment;*
 - (c) *watersheds of existing or planned potable water supply sources;*
 - (d) *aquifer recharge areas of potable water supply sources;*
 - (e) *habitats of populations of endangered or threatened plant or animal species;*
 - (f) *coastal wetlands;*
 - (g) *contiguous freshwater wetlands systems;*
 - (h) *significant natural features such as critical slope areas, ridge lines, gorges and ravines, unique geological features (including limestone) or unique ecosystems; and*
 - (i) *prime forested areas, including mature stands of native species; OR*
 - (j) *natural landscapes of exceptional value, in combination with one or more other envi-*

ronmentally sensitive features pursuant to these criteria; and

- (4) *Existing or programmed sewer service and public water service areas are confined to Centers.*

Policy Objectives

The following set of Policy Objectives are unique to the Environmentally Sensitive Planning Area and should be used to guide the application of the State Plan's Statewide Policies, the criteria for identification of existing or planned (new) Centers appropriate in this Planning Area, the policies for delineating Community Development Boundaries around Centers and local and State-agency planning.

- (1) *Land Use: Protect environmentally sensitive features by guiding development into Centers and establishing Community Development Boundaries and buffers around these boundaries.*
- (2) *Housing: Provide a variety of housing choices in Centers.*
- (3) *Economic Development: Support appropriate recreational, natural and cultural resource-based activities in the environs and locate economic development opportunities that are responsive to the needs of the surrounding region in Centers.*
- (4) *Transportation: Maintain a transportation system that links Centers and supports recreational, natural and cultural resource-based activities.*
- (5) *Natural Resource Conservation: Protect and preserve large, contiguous tracts and corridors of recreation, forest or other open-space land that protect sensitive natural and cultural resources,*

including endangered species and, particularly, ground and surface water resources that are aquifers and serve as the head waters of many of the State's rivers and streams.

- (6) Agriculture: Encourage farmland retention and agricultural practices that minimize conflicts with sensitive environmental resources.*
- (7) Recreation: Target park land acquisitions and improvements to enhance large contiguous open space systems and provide recreational opportunities to satisfy local and regional needs.*
- (8) Historic Preservation: Outside Centers, coordinate historic preservation needs with open-space preservation efforts, and, within Centers, incorporate historic sites and structures as assets in development and redevelopment efforts.*
- (9) Public Facilities and Services: Establish adequate levels of capital facilities and services to serve Centers, protect large contiguous environmentally sensitive areas and minimize conflicts between Centers and the environs.*
- (10) Intergovernmental Coordination: Coordinate efforts of State agencies, county and municipal governments to ensure that State and local policies and programs support environmental protection by examining the effects of financial institution lending practices, government regulation, taxation and other governmental policies and programs.*

Appendix C

SALEM COUNTY

Salem City/Urban Fringe (Mannington).

SOMERSET COUNTY

Somerville (including parts of Bridgewater and Raritan).

SUSSEX COUNTY

Franklin/Hamburg/Hardyston; Newton; Sussex Boro/Wantage; Vernon.

UNION COUNTY

Cranford; Linden; Plainfield; Rahway; Summit; Union; Westfield.

WARREN COUNTY

Hackettstown; Phillipsburg.

MIDDLESEX COUNTY

Garden State Parkway Exit 120 (Old Bridge); Routes 9 and 18 (Old Bridge).

MONMOUTH COUNTY

Neptune (Rt. 66/Garden State Parkway Area)

MORRIS COUNTY

Rockaway Town Square (Rockaway Twp.)

OCEAN COUNTY

Jackson (Jackson Twp.); Jackson/Great Adventure (Jackson Twp.); Manchester; Stafford/Manahawkin (Stafford Twp.).

PASSAIC COUNTY

Wayne

PLANNED REGIONAL CENTERS

BURLINGTON COUNTY

Planned Center/TDR Receiving Area (Chesterfield Twp.)

GLOUCESTER COUNTY

Elk; Logan.

HUNTERDON COUNTY

Planned Regional Center (Clinton Twp.)

MERCER COUNTY

I-295 (Hopewell Twp.)

Existing and Planned Villages Identified by Counties and Municipalities

The following list includes Villages identified by counties and municipalities for inclusion in the State Plan. The list does not include the Hackensack Meadowlands Development Commission area or the Pinelands area outside of the CAFRA area. This list includes Villages within the CAFRA area. In some cases, Villages are identified by points and locations on highways, interchanges, intersections or the name of places within municipalities.

EXISTING VILLAGES

ATLANTIC COUNTY

Belcoville (Weymouth Twp.); East Vineland (Buena Vista Twp.); Longport; Port Republic; Wheat Road.

BURLINGTON COUNTY

Columbus (Mansfield Twp.); Cookstown (North Hanover Twp.); Crosswicks (Chesterfield Twp.); Georgetown (Mansfield Twp.); Jobstown (Springfield Twp.); Juliustown (Springfield and Wrightstown); New Gretna (Bass River Twp.); Vincentown (Southampton).

CAPE MAY COUNTY

Cape May Point; Del Haven (Lower Twp.); Dennisville (Dennis Twp.); Goshen (Middle Twp.); Marmora (Upper Twp.); Palermo (Upper Twp.); Petersburg (Upper Twp.); South Dennis (Dennis Twp.); South Seaville (Middle Twp.); Strathmere (Upper Twp.); Tuckahoe (Upper Twp.); Whitesboro/Burleigh (Middle Twp.).

CUMBERLAND COUNTY

Carmel (Deerfield Twp.); Cedarville (Lawrence Twp.); Centre Grove (Lawrence Twp.); Cumberland/Hesstown (Maurice River Twp.); Deerfield (Deerfield Twp.); Delmont (Maurice River Twp.); Dividing Creek (Downe Twp.); Fairton (Fairfield); Fortescue (Downe Twp.); Greenwich (Greenwich Twp.); Heislerville (Maurice River Twp.); Laurel Lake (Millville City); Leesburg/Dorchester (Maurice River Twp.);

Mauricetown (Maurice River Twp.); Newport (Downe Twp.); Othello (Greenwich Twp.); Port Elizabeth (Maurice River Twp.); Port Norris (Commercial Twp.); Roadstown (Stow Creek Twp.); Rosenhayn (Deerfield Twp.); Sea Breeze (Fairfield); Shiloh (Shiloh Borough); Springtown (Greenwich Twp.).

GLOUCESTER COUNTY

Clarksboro (East Greenwich); Franklinville (Franklin); Malaga (Franklin); Mickleton (East Greenwich); Mt. Royal (East Greenwich); Mullica Hill (Harrison); Newfield (Newfield); Wenonah (Wenonah).

HUNTERDON COUNTY

Annandale; Bloomsbury; Califon (Califon); Glen Gardner (Glen Gardner); Hampton (Hampton); Oldwick (Tewksbury Twp.); Pittstown (Franklin Twp.); Riegel Ridge (Holland Twp.); Ringoes (E. Amwell Twp.); Sergeantsville (Delaware Twp.); Stockton (Stockton Borough); Three Bridges (Readington Twp.); Whitehouse Station (Readington Twp.).

MERCER COUNTY

Edinburg (West Windsor); Hopewell (Hopewell Borough); Lawrenceville (Lawrence Twp.); Pennington (Pennington); Robbinsville (Washington); Titusville (Hopewell Twp.); West Trenton (Ewing).

Appendix C

MIDDLESEX COUNTY

Cranbury Village (Cranbury Twp.); Dayton (South Brunswick); Helmetta Borough (Helmetta Borough); Kingston (South Brunswick); Monmouth Junction (South Brunswick).

MONMOUTH COUNTY

Adelphia (Howell); Allentown (Allentown); Ardena (Howell); East Keansburg (Middletown); Englishtown (Englishtown); Hance Park (Tinton Falls); Holmdel (Holmdel); Leonardo (Middletown); Leonardville (Middletown); Lincroft (Middletown); Pine Brook (Tinton Falls); Reevelytown (Asbury Ave. & Garden State Parkway, Tinton Falls); Roosevelt (Roosevelt); Town Center (Rt. 35 & Kings Highway, Middletown).

MORRIS COUNTY

Beach Glen (Rockaway Twp.); Berkshire Valley (Jefferson Twp.); Gillette (Passaic Twp.); Green Pond (Rockaway Twp.); Green Village (Harding Twp.); Hibernia (Rockaway Twp.); Ironia (Randolph Twp.); Lake Telemark (Rockaway Twp.); Marcella (Rockaway Twp.); Mendham (Mendham Borough); Meriden (Rockaway Twp.); Millington (Passaic Twp.); Mt. Freedom (Randolph Twp.); Stirling (Passaic Twp.).

OCEAN COUNTY

Barnegat (Barnegat Twp.); Cassville (Jackson Twp.); Cedar Run (Stafford Twp.); Nugentown (Little Egg Harbor Twp.); Rt 539 & Rt 537 (Plumsted

Twp.); Van Hiseville (Jackson Twp.); Waretown (Ocean Twp.); West Creek (Little Egg Harbor).

PASSAIC COUNTY

Oak Ridge (West Milford); Upper Greenwood Lake (West Milford).

SALEM COUNTY

Alloway (Alloway Twp.); Brotmanville (Pittsgrove Twp.); Canton (Lower Alloway Creek Twp.); Daretown (Upper Pittsgrove Twp.); Hancocks Bridge (Lower Alloway Creek Twp.); Harmersville (Lower Alloway Creek Twp.); Laytons Lake (Carneys Point Twp.); Monroeville (Upper Pittsgrove Twp.); Norma (Pittsgrove Twp.); Oakwood Beach (Elsinboro Twp.); Olivet-Centerton (Pittsgrove Twp.); Pedricktown (Oldmans Twp.); Pole Tavern (Upper Pittsgrove Twp.); Quinton (Quinton Twp.); Sharptown (Pilesgrove Twp.); Sinnickson Landing (Elsinboro Twp.); Yorktown (Pilesgrove Twp.).

SOMERSET COUNTY

Bedminster (Bedminster); Bradley Gardens (Bridgewater); East Millstone (Franklin); Far Hills (Far Hills); Finderne (Bridgewater); Flagtown (Hillsborough); Gladstone (Peapack-Gladstone); Kingston (Franklin); Liberty Corner (Bernards); Martinsville (Bridgewater); Middlebush (Franklin); Millstone (Millstone); Neshanic Station (Branchburg); Peapack (Peapack-Gladstone); Rocky Hill (Rocky Hill).

SUSSEX COUNTY

Brighton (Green); Cranberry Lake (Byram Twp.); Edison (Sparta Twp.); Glenwood (Vernon

Twp.); Hainesville (Sandyston Twp.); Highland Lakes (Vernon Twp.); Huntsville (Green); Lafayette (Lafayette); Lake Tranquility (Green Twp.); Lockwood (Byram Twp.); McAfee (Vernon); Montague Twp. (Montigue Twp.); North Church (Hardystown); Springdale (Andover Twp.); Sussex Hills (Vernon).

WARREN COUNTY

Alphano (Independence); Anderson (Mansfield); Asbury (Franklin Twp.); Blairstown (Blairstown Twp.); Bridgeville (White Twp.); Broadway (Franklin Twp.); Columbia (Knowlton Twp.); Delaware (Knowlton); Harmony (Harmony Twp.); Hope (Hope Twp.); Lower Harmony (Harmony); Manunkachunk (Knowlton); Marksboro (Frelinghuysen); Mountain Lake (Frelinghuysen); Oxford Borough; Port Murray (Mansfield Twp.); Riegelsville (Pohatcong); Weirtown (Allamuchy).

PLANNED VILLAGES

BURLINGTON COUNTY

Crystal Lake (Mansfield); Georgetown West (Mansfield Twp.); Hartford Road Center (Moorestown Township); Route 206 (Mansfield).

CUMBERLAND COUNTY

Stow Creek Twp.

GLOUCESTER COUNTY

Fairview (Washington)

MERCER COUNTY

Marshalls Corner (Hopewell Twp.); Province Line Rd. South of Quakerbridge Mall (Lawrence Twp.).

MIDDLESEX COUNTY

Applegarth (Monroe)

MONMOUTH COUNTY

524 & Doctors Creek (Upper Freehold); 539 & Elisdale Rd (Upper Freehold); Hornerstown (537/539, Upper Freehold); Marlboro Village (Marlboro Twp. - Route 79/School Road East); New Canton (I-195/Old York Rd., Upper Freehold); Pullentown (I-195/Sharon Station Rd. Upper Freehold); Wrightville (I-195/Imlays Rd., Upper Freehold).

MORRIS COUNTY

Budd Lake (Mt. Olive); German Valley (Mt. Olive); Rt. 206 - Cooper Lane (Chester Twp.); Suntan Lake (Riverdale); Upper Hibernia Rd. #1 (Rockaway); Upper Hibernia Rd. #2 (Rockaway).

OCEAN COUNTY

Rt. 528 (Plumsted)

PASSAIC COUNTY

Upper Ringwood (Ringwood)

SALEM COUNTY

Elmer Fringe #26 and 31; Forest Lane; Pedricktown (Oldmans Twp.); Rt. 540 (Mannington Twp.); Rt. 657 (Mannington Twp.);

Appendix C

US 40 (Pittsgrove Twp. and Upper Pittsgrove Twp.); Willow Grove (Pittsgrove Twp.).

SOMERSET COUNTY

Branchburg Town Center; Franklin Park (Franklin); Hillsborough Village Square; Montgomery Village Pike Run (Montgomery); Pluckemin (Bedminster); Warren Town Center; Watchung Center.

WARREN COUNTY

Panther Valley (Allamuchy); Rt. 31- Ryman Rd. (Washington Twp.); Rt. 173 - Rt. 637 Rt. 517 - Catswamp Rd. (Allamuchy); Rt. 617-Lake Just-it Rd.

Existing and Planned Hamlets Identified by Counties and Municipalities

The following list includes Hamlets identified by counties and municipalities for inclusion in the State Plan. The list does not include the Hackensack Meadowlands Development Commission area or the Pinelands area outside of the CAFRA area. This list includes Hamlets within the CAFRA area. In some cases, Hamlets are identified by points and locations on highways, interchanges, intersections or the name of places within municipalities.

EXISTING HAMLETS

ATLANTIC COUNTY

Chestnut Neck; Clarkstown; Conovertown; Corbin City (Corbin City).

BURLINGTON COUNTY

Chesterfield (Chesterfield Twp.); Hedding (Mansfield Twp.); Jacksonville (Springfield Twp.); Masonville (Mt. Laurel Twp.); Sykesville (Chesterfield Twp.).

CAPE MAY COUNTY

Beesley's Point (Upper Twp.); Clermont; Eldora (Dennis Twp.); Green Creek (Middle Twp.); Oceanview Seaville (Upper Twp.); Swainton (Middle Twp.).

HUNTERDON COUNTY

Baptistown (Kingwood Twp.); Barbertown (Ringwood Twp.); Bunnvale (Lebanon Twp.); Cherryville (Franklin Twp.); Cokesbury (Tewksbury Twp.); Croton (Raritan Twp.); Everittstown (Franklin Twp.); Jutland (Union Twp.); Linvale (East Amwell Twp.); Little York (Alexandria Twp.); Mountainville (Tewksbury); Mt. Airy (West Amwell Twp.); Mt. Pleasant (Alexandria Twp.); New Hampton (Lebanon Twp.); Norton (Union Twp.); Pattenburg (Union Twp.); Penwell (Lebanon Twp.); Quakertown (Franklin Twp.); Readington (Readington Twp.); Reaville (East Amwell Twp.); Rocktown (East Amwell Twp.); Rosemont (Delaware Twp.);

Н Н

COAH COMPLIANCE REPORT - Substantive Certification
HILLSBOROUGH TOWNSHIP, SOMERSET COUNTY

March 4, 1996

Prepared by Monica Etz, Principal Planner

I. INTRODUCTION

Hillsborough Township was originally granted substantive certification of its housing element and fair share plan on June 6, 1988. The township's plan proposed a regional contribution agreement (RCA), two inclusionary developments, rental bonus credits and a rehabilitation program to address the 194-unit first round obligation.

On February 28, 1995, the Council on Affordable Housing (COAH) received Hillsborough Township's adopted housing element and a resolution from the governing body requesting substantive certification of its 12-year cumulative obligation. Hillsborough published notice of its petition in the Courier News on March 6, 1995. The publication of notice initiated a 45-day objector period which ended on April 19, 1995. During the 45 days, one objection to Hillsborough Township's housing element and fair share plan was filed.

II. HOUSING STOCK INVENTORY, PROJECTION and ANALYSIS

Hillsborough Township provided housing inventory and analysis based on the 1990 census information. Housing stock, age of housing stock, condition of housing, housing values, occupancy characteristics and types, projection of the housing stock, demographic characteristics, household size, household income and employment data have been submitted in conformance with N.J.A.C. 5:93-5.1(b).

III. CREDITS and REDUCTIONS

Hillsborough has a cumulative 12-year calculated need of 482 housing units: 21 rehabilitation and 461 new construction. The township is requesting no prior-cycle credits. Hillsborough is requesting reductions for a 79-unit RCA with the Town of Phillipsburg (the transfer of funds has been completed), credit for 14 units of rehabilitation completed after April 1, 1990 (all documentation has been submitted), 91 family rental units which resulted from two inclusionary developments proposed in Hillsborough's 1987 certified housing element and fair share plan: Crestmont Hills and Heritage Green (both projects have received approvals; building permits have been issued for all 91 units and construction has begun).

RCA	79
Rehabilitation since 1990	14
Crestmont Hills <u>family</u> rentals	56 (under construction)
Heritage Green <u>family</u> rentals	<u>+35 (under construction)</u>
	184 credits

Calculation of Rental Obligation and Rental Bonus Credits

Hillsborough is requesting rental bonus credits for the family rental units under construction. As per N.J.A.C. 5:93-5.13(d), a municipality may receive a two-for-one rental bonus credit for affordable family rental units. The maximum number of units eligible for the bonus is defined below:

$$\begin{aligned} &= (.25)(\text{precredited need} - \text{prior cycle credits} - \text{rehabilitation}) \\ &= (.25)(482 - 0 - 21) \\ &= (.25)(461) \\ &= 115 \end{aligned}$$

This calculation determines the township's rental obligation (115 rental units must be provided within Hillsborough) and the maximum number of rental units that can receive rental credit. In this case, Hillsborough may receive rental bonus credits for 115 units. Therefore, all 91 family rentals under construction may receive a two-for-one rental credit, leaving an additional 24 rental units to be addressed in the proposed plan. Shown below is a summary of the first round housing activity:

RCA	79
Rehabilitation since 1990	14
Crestmont Hills <u>family</u> rentals	56 (under construction)
Crestmont Hills family rental <u>bonus</u>	56
Heritage Green <u>family</u> rentals	35 (under construction)
Heritage Green family rental <u>bonus</u>	+ 35
	<hr/>
	275 total credits

Based on the eligible credits and reductions from the RCA, rehabilitation program, the units under construction and family rental bonus credits, Hillsborough's precredited need of 482 is reduced by 261 new construction units and 14 rehabilitation units. Therefore, the number is now 207 units: 200 new construction and seven rehabilitation.

Substantial Compliance Calculation

Hillsborough has requested a reduction for substantial compliance. The 1987 certified plan proposed 91 units to be constructed within the township. At the time that Hillsborough petitioned on February 28, 1995, building permits had been issued for all 91 units and construction had begun. N.J.A.C. 5:93-3.6 provides that a municipality may receive substantial compliance reductions based on the percentage of completed units proposed within the municipality. Hillsborough Township has 100 percent compliance and is eligible for a 20 percent reduction on its new construction component.

$$\begin{aligned} \text{Substantial compliance reduction} &= (.20)(\text{new construction component}) \\ &= (.20)(200) \\ &= 40 \end{aligned}$$

Hillsborough's inclusionary need of 200 is thereby reduced by an additional 40 units for a calculated need of 167: 160 new construction and seven rehabilitation units.

IV. PROPOSED HOUSING ELEMENT and FAIR SHARE PLAN

Hillsborough is responsible for addressing 167 units: 160 new construction and seven rehabilitation units. Hillsborough is proposing a combination of senior housing units, family rental units, rental bonus credits and a rehabilitation program. They are described below.

A. Rehabilitation Program

Hillsborough has a rehabilitation obligation of seven units and is proposing to address that obligation by rehabilitating at least seven substandard dwellings units within the municipality. The township has an existing municipal rehabilitation program with a documented track record.

COAH regulations require that a municipality allocate \$10,000 per unit for rehabilitation. In this case, Hillsborough must provide \$70,000 over the period of substantive certification for the rehabilitation of seven units. According to N.J.A.C. 5:93-5.2(h) a municipality that chooses to rehabilitate its rehabilitation component is responsible for funding its program. The township has submitted a resolution adopted by the governing body on November 14, 1995, agreeing to fund the rehabilitation program in the event that other funding (grant monies and development fees) is not available.

As per N.J.A.C. 5:93-5.2(k), Hillsborough has submitted a housing rehabilitation manual that outlines the procedures of the municipal rehabilitation program. The manual outlines owner eligibility procedures, eligible repairs, money availability, application procedures, inspection procedures and loan terms. As per N.J.A.C. 5:93-5.2(d), Hillsborough submitted a rehabilitation marketing plan. The rehabilitation manual and the rehabilitation marketing plan meet COAH criteria. Hillsborough will be required to provide funding for the rehabilitation of substandard housing units as per the following schedule:

March 1997	2 units
March 1998	1 unit
March 1999	1 unit
March 2000	1 unit
March 2001	1 unit
March 2002	<u>+ 1 unit</u>
	7 units total to be rehabilitated

B. PAC/HFC Development (Block 11: lots 1, 6, 10A, 13, 27, 28, 34, 44, and 44A as well as Block 122: lots 13A, 26, 27, 28, 29A, 33, 44, 45 and 47)

Hillsborough is proposing to address its remaining inclusionary component in the Planned Adult Community/Health Care Facility General (PAC) Development. The 742-acre site was zoned in 1991 in response to the needs of an aging population. The site lies near 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. The PAC is intended primarily as an age-restricted development

with 40 family rental units. According to N.J.A.C. 5:93-5.12(b), a municipality which has transferred units via an RCA may receive credit for age-restricted units based on the following formula:

$$\begin{aligned} &= (.25)(\text{precredited need} - \text{rehabilitation} - \text{prior cycle credits} - \text{RCA}) - \text{1st round senior units} \\ &= (.25)(482 - 21 - 0 - 79) - 0 \\ &= (.25)(382) - 0 \\ &= 96 \end{aligned}$$

Therefore, Hillsborough may receive COAH credit for 96 age-restricted affordable housing units for this second round. The owner of the PAC site will build a total of 3,000 units. The township and the developer signed a developer's agreement on February 27, 1996 (see attached Exhibit A) which stipulates that within this six-year period of substantive certification, 96 age-restricted units and 40 family rental units will be built within the PAC. These 40 rental units satisfy Hillsborough's rental obligation as outlined on page 2. Because the developer's agreement addresses the production of the 40 family rental units, COAH will grant 24 rental bonus credits.

The developer's agreement specifies that 32 age-restricted affordable units will be ready for occupancy at each of the 30th, 60th, and 80th percentile of certificates of occupancy issued for the market-rate units or more specifically, the 231st, the 462nd and the 616th certificates of occupancy for the market-rate units. Additionally, the 40 family rental units will be built on or before the issuance of the 693rd market-rate certificate of occupancy. In any case, all affordable units will be delivered no later than June 30, 2001 or approximately five years from the date of substantive certification, whichever is later.

This construction phasing of affordable units is not in strict conformance with the phasing schedule set forth in N.J.A.C. 5:93-5.6(d) and requires a waiver pursuant to N.J.A.C. 5:93-15.1(b). COAH staff recommends granting a waiver of N.J.A.C. 5:93-5.6(d) concerning the phasing of affordable units as the deviation is minor and there is a developer's agreement that stipulates all affordable units shall be completed no later than five years from the grant of substantive certification.

See N.J.A.C. 5:93-15.1(b).

The developer's agreement further states that of the aforesaid 3,000 total units, 15 percent shall be set aside for affordable housing to meet future fair share obligations. Assuming 135 affordable housing units are built in connection with the present substantive certification, 315 additional units shall be set aside for future cycles of substantive certification. The 15 percent setaside is based on a density of four units per acre in accordance with N.J.A.C. 5:93-5.6.

Waiver of Center Designation

The PAC site is located predominantly in Planning Area 4 and partially in Planning Area 2 and is included as a "Planned Village" on the Resource Planning and Management Map of the State Development and Redevelopment Plan (SDRP). As such, N.J.A.C. 5:93-5.4(c) requires that when a municipality designates an inclusionary site in Planning Areas 4 or 5, COAH requires that the development be located in a center. Hillsborough has requested a waiver from this requirement.

While COAH continues its support of the SDRP and encourages center designation, COAH may waive the center designation in N.J.A.C. 5:93-5.4(c) when a new site meeting a 12-year obligation is jointly proposed by the municipality and the developer. Further, COAH policy specifies that the site may qualify for the waiver if it has water and sewer capacity and accessibility and is determined to be available, approvable, suitable and developable. This site meets these criteria.

1. This is a new site meeting a 12-year obligation and is jointly proposed by Hillsborough and the developer. The PAC development received general development plan approval from the Hillsborough Township Planning Board in 1991, prior to the adoption of the SDRP in June 1992. The township proposed this new site in its 1995 housing element and fair share plan to address its second round affordable housing obligation. The municipality and the developer have drafted a developer's agreement for 135 affordable housing units at this site that will address the township's 12-year inclusionary obligation.

2. The site has water and sewer. 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 included in the Somerset County Waste Water Management Plan which is under review by the New Jersey Department of Environmental Protection (DEP). Upon DEP approval, sewage from the tract will be carried to the Somerset Raritan Valley Sewerage Authority regional wastewater treatment plant in Bridgewater Township.

3. The site is available. As per the definition in N.J.A.C. 5:93-1, the owner/developer of the PAC has acquired clear title or has a contract interest for the site, free of encumbrances.

4. The site is approvable. The PAC site first received general development plan approval in 1991. On December 7, 1995 it received approval of an amended general development plan by the Hillsborough Township Planning Board that reduced the total number of potential units from 11,000 to 3,000.

5. The site is suitable. It is adjacent to compatible land uses such as the municipal complex, the library, police department and YMCA. It has vehicular access via Amwell Road, River Road and Mill Lane. It has no environmental constraints which would prevent development of the site at 3,000 units.

6. The site is developable. As stated above, 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 included as an amendment to the Somerset County Waste Water Management Plan which is under DEP review.

Moreover, Hillsborough's waiver request meets COAH criteria for a waiver pursuant to N.J.A.C. 5:93-15.1(b). According to N.J.A.C. 5:93-15.1(b), COAH will grant a waiver if:

1. The waiver fosters the production of affordable housing.
The site not only provides for all of Hillsborough Township's new 12-year cumulative obligation but the developer has agreed to provide an additional 15

perce. afford. e units for Hillsborough's future fair. are o gations. This provision is contained in a signed agreement between Hillsborough Township and the developer which resulted from the mediation process.

2. The waiver fosters the intent, if not the letter, of COAH's rules.

COAH's rules regarding center designation in Planning Areas 4 and 5 were based upon an understanding that sites in Planning Areas 4 and 5 did not have infrastructure. After adoption of the rules, COAH learned that this was not accurate and subsequently a meeting between representatives from COAH, the Office of State Planning (OSP) and the State Planning Commission (SPC) took place in the fall of 1994. At that time it was agreed that COAH would not amend its rules with regard to Planning Areas 4 and 5 but would offer a waiver to towns that fell into two specific categories (see attached policy memo, Exhibit B). The Hillsborough site falls into category 2. The policy was articulated at COAH's December 1994 meeting and published in the COAH newsletter. The waiver request meets the criteria of COAH's articulated policy and fosters the intent and pronounced letter of COAH's rules.

3. The strict application of the rule would create an unnecessary hardship.

COAH first learned of Hillsborough's PAC site in June 1991 in a letter forwarded to COAH's executive director. The township has been proceeding in good faith to ensure that the site will meet COAH's regulations and policy so it could be included in Hillsborough's 12-year plan. The Hillsborough Township governing body petitioned COAH for substantive certification and the petition contained the PAC site. There was a 45-day period for objectors to file with COAH and the township. One objector did so and at the end of mediation, there were no contested issues of fact. The mediation report was presented at the February 1996 COAH meeting. The many reasons to now grant substantive certification are listed in this report. To not waive N.J.A.C. 5:93-5.4(c) would clearly create an unnecessary hardship.

The Fair Housing Act states that "...the council shall give appropriate weight to pertinent research studies, government reports, decisions of other branches of government, implementation of the State Development and Redevelopment Plan prepared pursuant to P.L. 1985, c. 398 and public comment." The memorandum of understanding between COAH and SPC contains 10 basic principles (see attached Memorandum of Understanding, Exhibit C). COAH has given "appropriate weight" to each of these 10 principles as demonstrated below:

1. COAH has shared all information regarding the Hillsborough plan with OSP. In addition, COAH requested an advisory report from OSP that was subsequently forwarded to COAH. The advisory letter dated January 31, 1996 states that OSP does not formally "object to COAH action to waive center designation for this project."

2. The executive directors of COAH and OSP are in communication regarding all SDRP plan issues particularly those issues pertaining to sites in Planning Areas 4 and 5. Procedures have been developed to ensure that both agencies will receive and share information that will result in greater predictability.

3. COAH has considered the SDRP's Resource Planning and Management Map. COAH is also aware of SDRP's concern regarding infrastructure availability and environmental sensitivity. COAH's review of the Hillsborough plan indicates that the site is within two planning areas and that there is an SDRP plan policy that states that if a site falls within two planning areas, that the criteria in the lower planning area prevails. Therefore, sites in Planning Area 2 do not need center designation. COAH is sensitive to environmental constraints and in fact has rules that address this issue. A site visit and review of technical data reveal no such constraints. In addition, infrastructure may be easily extended to the site as it is in close proximity. The site is in the Somerset County Wastewater Management Plan and is awaiting DEP approval. COAH understands that Somerset County is supportive of the amendment and DEP expects to move on the plan this year.

4. This site is not inconsistent with the goals objectives and policies of the SDRP. The site is within two planning areas; the site will maximize existing infrastructure in that such infrastructure may be easily extended to the site and the site has been reduced from the potential to yield 11,000 units to a more compact 3,000 units.

5. In addition to planning considerations, the developer downsized the PAC site to explore center designation. This proved not to be feasible because of the primarily age-restricted nature of the PAC. However, since the site is within Planning Areas 2 and 4 and since the policy objectives and criteria of Planning Area 2 are relevant, a site in Planning Area 2 need not be located in a designated center.

6. This waiver request takes into consideration those housing policies and objectives respecting low and moderate income housing.

7. Both COAH and the SPC accept the definitions, rules and policies of each respective agency.

8. COAH considers the SDRP in allocating regional housing need.

9. COAH is aware of county planning entities assisting in identifying centers.

10. Hillsborough Township filed an adopted housing element with COAH and petitioned for substantive certification within two years of the filing pursuant to N.J.A.C. 5:91-6.2.

In this instance Hillsborough did not wait for two years but petitioned promptly. Hillsborough also completed its first round new construction obligation to qualify for substantial compliance credits. Thus Hillsborough falls under the Memorandum of Understanding Basic Principle 10 to "...receive the benefit of maximum flexibility with respect to Council certification."

For all of the above reasons, COAH staff recommends granting a waiver of N.J.A.C. 5:93-5.4(c) regarding center designation for the 3,000-unit PAC site in Hillsborough Township.

V. MEDIATION

During the 14-day comment period, one party objected to Hillsborough's housing element and fair share plan: Anatol Hiller, a developer, who offered his 143-acre site (known as Gateway at Sunnymeads) to be included in Hillsborough's plan as an inclusionary development instead of the PAC site. COAH initiated mediation on August 19, 1995. After two general sessions and eight caucus sessions, mediation was concluded on November 14, 1995. Shown below is a summary of the main objections:

Objection: The PAC lies mostly in Planning Area 4 and must apply for center designation.

Resolution: Hillsborough requested a waiver from center designation. The site meets COAH criteria for the waiver.

Objection: Hillsborough's plan does not provide for its full fair share obligation.

Resolution: As per this Compliance Report, Hillsborough has provided a plan which addresses its full obligation.

Objection: The PAC site is not suitable because 95 percent of the site lacks infrastructure.

Resolution: The Somerset County Planning Board has applied to DEP for an amendment to the 208 waste water management plan as per N.J.A.C. 5:93-5.3(b). The site is in the plan before DEP.

Objection: Construction of the affordable units is not realistic during the six-year certification period. Therefore, the township should not be eligible for up-front rental bonus credits.

Resolution: The developer of the PAC site has signed a developer's agreement which addresses construction of 136 affordable units during the six-year certification period.

Objection: The township ignored the Gateway at Sunnymeads tract which is a suitable, realistic site, entirely in Planning Area 2 and meets COAH criteria for an affordable housing site. Gateway requested site specific relief.

Resolution: According to N.J.A.C. 5:91-3.6, Gateway is not eligible for site specific relief. Hillsborough reviewed the Gateway proposal and opted to pursue its original plan as proposed.

Mediation was closed without substantial changes to the adopted housing element and without outstanding contested issues of fact. All objections were addressed. A Mediation Report (dated January 17, 1996) was prepared by the mediator. During the subsequent 14-day comment period, the objector filed no comments. The Mediation Report was present to COAH on February 7, 1996.

VI. CREDITS PURSUANT TO N.J.A.C. 5:93-3.2

When Hillsborough petitioned for substantive certification in February 1995, the township claimed there were units eligible for credit pursuant to N.J.A.C. 5:93-3.2 in Hillsborough and reserved the right to amend its housing element and fair share plan in the future to include these units. On January 11, 1996, the township submitted a letter (see attached Exhibit D) advising COAH that it will not pursue these credits for this round.

VII. DEVELOPMENT FEE ORDINANCE and SPENDING PLAN

In July 1994, Hillsborough Township received COAH's approval of a development fee ordinance. In accordance with N.J.A.C. 5:93-8, Hillsborough submitted a spending plan to COAH for review and approval. The spending plan, which meets COAH criteria, will be addressed in a COAH Spending Plan Report.

VIII. FAIR SHARE and AFFORDABLE HOUSING ORDINANCES

Hillsborough must adopt affordable housing ordinances which reflect COAH's new regulations as outlined in N.J.A.C. 5:93. The ordinances must be adopted within 45 days of substantive certification.

Administrative entity

In accordance with N.J.A.C. 5:93-9.1(a), the Somerset County Coalition on Affordable Housing (SCCOAH) is the entity responsible for administering the affordable housing units from this second round certification. The township submitted a resolution, adopted by the governing body on November 14, 1995, naming SCCOAH as the administrative entity for the PAC/HFC units. SCCOAH will be responsible for the affirmative marketing of sales and resales, rentals and rerentals within the PAC/HFC project, preliminary screening of applicants, maintaining lists of all applicants, interviewing all prospective applicants in person, collecting documents to verify income, final qualification of applicants, placing households in units at initial occupancy and placing households in resale units and rerentals throughout the 30-year period of affordability controls and enforcing the terms of deed restrictions and mortgage loans. Hillsborough has also designated the township administrator as the housing officer/liaison.

It should be noted that the 91 affordable housing units constructed pursuant to the first round obligation (Heritage Green and Crestmont Hills) will be administered by the managers of each development. SCCOAH has been retained by Hillsborough as a consultant to oversee the affordable housing procedures at the two developments.

Affirmative marketing plan

Hillsborough has prepared an affirmative marketing program in conformance with N.J.A.C. 5:93-11 which will apply to all rental, rerentals, sales and resales of affordable housing units. This must be adopted within 45 days of substantive certification.

Affordable Housing Ordinances

Hillsborough Township has submitted an affordable housing ordinance which must be adopted within 45 days of substantive certification. It contains the following information:

- Low and moderate income split as per N.J.A.C. 5:93-7.2(a)
- Bedroom distribution as per N.J.A.C. 5:93-7.3
- Construction phasing of units pursuant to N.J.A.C. 5:93-5.6(d)
- Affordability controls as per N.J.A.C. 5:93-9.
- Establishment of rents and prices of units as per N.J.A.C. 5:93-7.4(a)

IX. CONCLUSIONS and RECOMMENDATIONS

Hillsborough's 12-year cumulative obligation of 482 units has been reduced through eligible credits and reductions to a calculated need of 167 units (160 new construction and seven rehabilitation). The township is addressing the new construction obligation through 96 age-restricted units and 40 family rental units in the PAC site, 24 rental bonus credits and a rehabilitation program for seven units. Hillsborough is requesting a waiver of center designation for the PAC site and from the phasing schedule. COAH staff recommends the waivers.

One party objected to the plan. COAH initiated mediation on August 19, 1995 and after two general sessions and eight caucus sessions, mediation was concluded on November 14, 1995. All objections were addressed.

Hillsborough has submitted a draft affordable housing ordinance, an affirmative marketing plan and a spending plan which meet COAH criteria. The township has also designated an administrative entity to administer the affordable housing units in the PAC development. Based on this review, COAH staff recommends that Hillsborough Township, Somerset County be granted substantive certification with the requirement that the draft ordinances and affirmative marketing plan be adopted and submitted to COAH within 45 days.

II

**RESOLUTION GRANTING HILLSBOROUGH TOWNSHIP, SOMERSET COUNTY
SUBSTANTIVE CERTIFICATION No. 31-99**

WHEREAS, Hillsborough Township, Somerset County, first received substantive certification from the Council on Affordable Housing (COAH) on June 6, 1988; and

WHEREAS, Hillsborough Township petitioned COAH for substantive certification of its 12-year cumulative housing obligation on February 28, 1995; and

WHEREAS, Hillsborough Township published notice of its petition in the Courier News on March 6, 1995; and

WHEREAS, publication of notice initiated a 45-day objector period which resulted in one objection being filed against Hillsborough Township's adopted housing element and fair share plan; and

WHEREAS, Hillsborough Township's 12-year (1987 - 1999) cumulative obligation is 482 housing units of which 21 are rehabilitation and 461 are new construction; and

WHEREAS, Hillsborough Township provided crediting documentation for 91 affordable family rental housing units (56 in Crestmont Hills and 35 in Heritage Green) under construction within the township pursuant to N.J.A.C. 5:93-3.3; and

WHEREAS, Hillsborough Township is eligible for 91 family rental bonus credits pursuant to N.J.A.C. 5:93-5.13(d); and

WHEREAS, Hillsborough Township has provided crediting documentation for 14 housing units rehabilitated within the township pursuant to N.J.A.C. 5:93-3.4; and

WHEREAS, Hillsborough Township has provided crediting documentation for 79 units of housing transferred to the Town of Phillipsburg via a regional contribution agreement (RCA) during the course of its first round certification period; and

WHEREAS, Hillsborough Township is eligible for a substantial compliance reduction of 40 units pursuant to N.J.A.C. 5:93-3.6; and

**RESOLUTION GRANTING HILLSBOROUGH TOWNSHIP, SOMERSET COUNTY
SUBSTANTIVE CERTIFICATION No. 31-99**

WHEREAS, Hillsborough Township, Somerset County, first received substantive certification from the Council on Affordable Housing (COAH) on June 6, 1988; and

WHEREAS, Hillsborough Township petitioned COAH for substantive certification of its 12-year cumulative housing obligation on February 28, 1995; and

WHEREAS, Hillsborough Township published notice of its petition in the Courier News on March 6, 1995; and

WHEREAS, publication of notice initiated a 45-day objector period which resulted in one objection being filed against Hillsborough Township's adopted housing element and fair share plan; and

WHEREAS, Hillsborough Township's 12-year (1987 - 1999) cumulative obligation is 482 housing units of which 21 are rehabilitation and 461 are new construction; and

WHEREAS, Hillsborough Township provided crediting documentation for 91 affordable family rental housing units (56 in Crestmont Hills and 35 in Heritage Green) under construction within the township pursuant to N.J.A.C. 5:93-3.3; and

WHEREAS, Hillsborough Township is eligible for 91 family rental bonus credits pursuant to N.J.A.C. 5:93-5.13(d); and

WHEREAS, Hillsborough Township has provided crediting documentation for 14 housing units rehabilitated within the township pursuant to N.J.A.C. 5:93-3.4; and

WHEREAS, Hillsborough Township has provided crediting documentation for 79 units of housing transferred to the Town of Phillipsburg via a regional contribution agreement (RCA) during the course of its first round certification period; and

WHEREAS, Hillsborough Township is eligible for a substantial compliance reduction of 40 units pursuant to N.J.A.C. 5:93-3.6; and

WHEREAS, as a result of 315 eligible credits and reductions, Hillsborough Township's precredited obligation of 482 units is reduced to a calculated need of 167 of which seven are rehabilitation and 160 are new construction; and

WHEREAS, the Hillsborough Township plan addresses the seven-unit rehabilitation obligation through a seven-unit rehabilitation program within Hillsborough Township; and

WHEREAS, Hillsborough Township received COAH approval of a mandatory development fee ordinance in July 1994 and adopted the ordinance in July 1994; and

WHEREAS, the Hillsborough Township plan indicates that the seven-unit municipal rehabilitation program will be funded with development fees and grant monies and that the Hillsborough Township governing body has adopted a resolution dated November 14, 1995 agreeing to fund any shortfalls; and

WHEREAS, Hillsborough Township submitted a spending plan on September 20, 1995 for COAH's approval which reflects this intention to use development fees for the rehabilitation of deficient housing units; and

WHEREAS, the Hillsborough Township plan addresses the 160-unit new construction obligation through 96 age-restricted units in the Planned Adult Community/Health Care Facility (PAC/HCF) Development, 40 family rental units in the PAC/HCF Development and 24 family rental bonus credits; and

WHEREAS, the PAC/HCF Development (Block 11: lots 1, 6, 10A, 13, 27, 28, 34, 44, and 44A as well as block 122: lots 13A, 26, 27, 28, 29A, 33, 44, 45 and 47) is a 742-acre site with a mediation agreement between the developer and the township for 3,000 residential units; and

WHEREAS, the objector to Hillsborough's housing element and fair share plan offered a 143-acre site (known as the Gateway at Sunnymeade) to be included in Hillsborough's plan as an inclusionary development instead of the PAC/HCF Development site and presented objections regarding the PAC/HCF site; and

WHEREAS, COAH initiated mediation on August 19, 1995 between the Gateway at Sunnymede and Hillsborough Township; and

WHEREAS, Hillsborough Township chose not to include the objector's site in the fair share plan and mediation was concluded on November 14, 1995; and

WHEREAS, Hillsborough Township's original plan to address the 167-unit calculated need through a seven-unit rehabilitation program, 96 age-restricted units in the PAC/HCF Development, 40 family rental units in the PAC/HCF Development and 24 family rental bonus credits remained in place after mediation; and

WHEREAS, a Mediation Report dated January 17, 1996, was issued by the mediator and presented to COAH; and

WHEREAS, although there were contested issues of law discussed in mediation, during the 14-day comment period following the issuance of the COAH Mediation Report, no comments were filed by the objector; and

WHEREAS, as a result of mediation, the owner/developer of the PAC/HCF Development and Hillsborough Township signed a mediation agreement on February 27, 1996, attached hereto and incorporated by reference herein, which stipulates that within the six year period of substantive certification, 96 age-restricted units and 40 family rental units will be built within the PAC/HCF Development; and

WHEREAS, the mediation agreement of February 27, 1996 stipulates that 32 age-restricted affordable units will be ready for occupancy at each of the 30th, 60th and 80th percentile of certificates of occupancy issued for the first 770 market-rate units; and

WHEREAS, the 40 affordable family rental units will be completed on or before the 693rd market-rate certificate of occupancy is issued; and

WHEREAS, this proposed phasing of affordable units is not in strict conformance with COAH's phasing schedule as set forth in N.J.A.C. 5:93-5.6(d) and, therefore, requires a waiver pursuant to N.J.A.C. 5:93-15.1(b); and

WHEREAS, because there is a mediation agreement in place for the creation of 136 affordable units within the six-year period of substantive certification, COAH recommends granting of the waiver pursuant to N.J.A.C. 5:93-15.1(b); and

WHEREAS, the granting of this waiver pursuant to N.J.A.C. 5:93-15.1(b) is consistent with COAH requirements in that

1. the waiver fosters the production of affordable housing;
2. the waiver fosters the intent if not the letter of COAH rules; or
3. strict application of the rule would create an unnecessary hardship; and

WHEREAS, the mediation agreement of February 27, 1996 further states that within the 3,000-unit development, 15 percent of future units shall be set aside for affordable housing to meet future fair share obligations; and

WHEREAS, the development of the PAC/HCF project is contingent on the site being included in a 208 plan amendment; and

WHEREAS, the Somerset County Planning Board (SCPB) has filed a preliminary 208 plan amendment to the New Jersey Department of Environmental Protection (DEP) for review; and

WHEREAS, the DEP responded with comments; and

WHEREAS, the SCPB is currently working with an advisory committee to prepare a final document which will be submitted to the applicable municipalities and the Somerset County Board of Chosen Freeholders for review; and

WHEREAS, SCPB anticipates that the finalized plan will be refiled with DEP within two months; and

WHEREAS, in the event that the PAC/HCF site is not approved for inclusion in the 208 plan amendment, Hillsborough shall be required to amend its housing element and fair share plan to address the 160 units in another manner; and

WHEREAS, the PAC/HCF site is located predominantly in Planning Area 4 and partially in Planning Area 2; and

WHEREAS, N.J.A.C. 5:93-5.4(c) states that when a municipality designates an inclusionary site in Planning Areas 4 or 5, the development shall be located in a center; and

WHEREAS, Hillsborough has requested a waiver from N.J.A.C. 5:93-5.4(c); and

WHEREAS, COAH confirms its support of the State Development and Redevelopment Plan (SDRP) and encourages center designation as set out in the Memorandum of Understanding of October 27, 1992; however COAH policy states that COAH may waive center designation as per N.J.A.C. 5:93-5.4(c) when a new site meeting a 12-year obligation is jointly proposed by the municipality and the developer and the site has water and sewer capacity and accessibility and is determined to be available, approvable, suitable and developable; and

WHEREAS, the PAC/HCF site meets these criteria; and

WHEREAS, COAH requested an advisory report from the Office of State Planning (OSP) with regard to a waiver of center designation; and

WHEREAS, the OSP advisory letter dated January 31, 1996, which is attached hereto and incorporated by reference herein, states that OSP "does not formally object to COAH action to waive center designation for this project"; and

WHEREAS, OSP requests that COAH condition its grant of substantive certification on two actions:

1. 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. A consistency review is an advisory report and has no regulatory consequences.

2. 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 ;and

WHEREAS, Hillsborough's waiver request meets COAH criteria for a waiver pursuant to N.J.A.C. 5:93-15.1(b) in that the waiver fosters the production of affordable housing; the waiver fosters the intent, if not the letter, of COAH's rules and the strict application of the rule would create an unnecessary hardship as set out in the COAH Compliance Report dated March 4, 1996 (see Attachment #1); and

WHEREAS, the COAH Compliance Report dated March 4, 1996 was issued recommending substantive certification of Hillsborough Township's housing element and fair share plan; and

WHEREAS, neither Hillsborough Township, the objector of record (Anatol Hiller: owner/developer of the Gateway at Sunnymeade site), nor the interested party of record (Harry Smith: owner/developer of the PAC/HCF Development site) filed comments during the subsequent 14-day comment period regarding the COAH Compliance Report; and

WHEREAS, New Jersey Future filed a letter during the 14-day comment period dated March 15, 1996 which is attached hereto and incorporated by reference herein; and

WHEREAS, New Jersey Future has requested that COAH defer its decision on Hillsborough's certification until three issues involving two state agencies are resolved; and

WHEREAS, COAH finds no reason to delay action on Hillsborough's petition for substantive certification; and

WHEREAS, Hillsborough Township has designated the Somerset County Coalition on Affordable Housing (SCCOAH) as the administrative entity to administer the affordable housing units in the PAC/HCF Development; and

WHEREAS, Hillsborough Township has submitted a draft affordable housing ordinance, an affirmative marketing plan and a spending plan which meet COAH criteria.

NOW THEREFORE BE IT RESOLVED that COAH has reviewed Hillsborough Township's petition for substantive certification of its housing element and fair share plan and determines that it is consistent with the rules and criteria adopted by COAH and the achievement of low and moderate income housing needs of the region; and

BE IT FURTHER RESOLVED that COAH hereby grants Hillsborough Township 315 units of credits and reductions; and

BE IT FURTHER RESOLVED that COAH has determined that Hillsborough Township's 1987-1999 calculated need is 167 of which seven are rehabilitation and 160 are new construction; and

BE IT FURTHER RESOLVED that the seven-unit rehabilitation obligation shall be addressed through a seven-unit rehabilitation program; and

BE IT FURTHER RESOLVED that the funding for the rehabilitation of deficient units in Hillsborough Township shall be provided according to the following schedule:

<u>Deadline</u>	<u>Rehabs to be completed</u>	<u>Funds Needed</u>
April 1997	2 units	\$20,000
April 1998	1 units	\$10,000
April 1999	1 units	\$10,000
April 2000	1 units	\$10,000
April 2001	1 units	\$10,000
April 2002	<u>1 units</u>	<u>\$10,000</u>
	7 units	\$70,000

BE IT FURTHER RESOLVED, that COAH hereby grants a waiver to the proposed phasing schedule of units as per the mediation agreement of February 27, 1996, for the reasons set forth above and in the attached COAH Compliance Report dated March 4, 1996; and

BE IT FURTHER RESOLVED, that 136 affordable housing units in the PAC/HCF Development shall be created during the six year period of substantive certification in accordance with the following schedule:

<u>Market units completed</u>	<u>Affordable units completed</u>
231 (30%)	32 (24%)
462 (60%)	64 (47%)
616 (80%)	96 (70%)
693 (98%)	136 (100%)
707 (100%)	

BE IT FURTHER RESOLVED, that COAH hereby grants a waiver of N.J.A.C. 5:93-5.4(c) regarding center designation for the PAC/HCF site in Hillsborough for the reasons set forth above and in the attached COAH Compliance Report; and

BE IT FURTHER RESOLVED, that COAH shall not place the two conditions on Hillsborough's substantive certification as requested by OSP; and

BE IT FURTHER RESOLVED, that within 45 days of this grant of substantive certification (May 20, 1996), Hillsborough Township shall adopt and submit to COAH its affordable housing ordinances and affirmative marketing plan; and

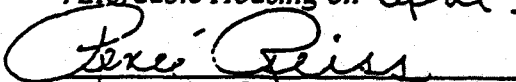
BE IT FURTHER RESOLVED, that six months from the date of this grant of substantive certification (October 3, 1996), Hillsborough Township shall report to COAH on the status of the 208 plan amendment pending at the DEP; and

BE IT FURTHER RESOLVED that COAH finds that the housing element and fair share plan submitted by Hillsborough Township comport to the standards set forth in N.J.S.A. 52:27D-314 and are consistent with the rules, criteria and policies adopted by COAH; and

BE IT FURTHER RESOLVED that COAH hereby grants substantive certification to Hillsborough Township's housing element and fair share plan for a period of six years; and

BE IT FURTHER RESOLVED that any change in the facts upon which this certification is based or any deviation from the terms and conditions of this certification which affects the ability of the municipality to provide for the realistic opportunity of its fair share of low and moderate income housing and which the municipality fails to remedy may render this certification null and void.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing on April 3, 1996.



Renee Reiss, Secretary
Council on Affordable Housing

b:\hillsbo.res

J J

R-97-64

TOWNSHIP OF READINGTON**RESOLUTION TO PROTEST THE PROPOSED GREENBRIER MAJOR DEVELOPMENT
BEING DISCUSSED FOR HILLSBOROUGH TOWNSHIP, SOMERSET COUNTY**

WHEREAS, Readington Township is located in Hunterdon County on the western border of Somerset County, adjacent to an area that is being considered for a major subdivision, called Greenbrier, and

WHEREAS, this area of New Jersey is a beautiful and rural area, and if a development of this size receives permission to extend sewer facilities and other necessary approvals such would have an adverse affect on many municipalities; and

WHEREAS, the Readington Township Committee, Readington Township Planning Board and Readington Township Environmental Commission believe this development is not consistent with the intent of the State's plan for this area;

WHEREAS, the State's Master Plan clearly delineates the entire Sourland Mountain and its environs as Planning Areas #4 and #5, and not suitable for large scale development or water and sewer facilities and to convert a major piece of farmland into an area of suburban sprawl does not appear to be in the best interest of either Somerset or Hunterdon County; and

WHEREAS, Readington Township has proven its unwavering commitment to farmland preservation and environmental protection, with millions of state, county and local dollars invested in permanent preservation of many acres of farmland; and

WHEREAS, this project would bring suburban sprawl to the edge of the Amwell Valley and the resulting traffic increase would have a negative impact on the rural character of Readington Township and other neighboring Townships, and

WHEREAS, large scale housing concentrations tend to promote additional peripheral development, particularly where water and sewer facilities are available.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Readington, Hunterdon County, New Jersey is voicing unanimous opposition to the Greenbrier Development and urges the Hillsborough Township Committee not to permit sewer extension into Planning areas #4 and #5; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the New Jersey Department of Environmental Protection - specifically Commissioner Robert Shinn, Jr., the Townships of East Amwell, Raritan, Hopewell, and Montgomery; Hillsborough Township Committee, Planning Board and Environmental Commission; Hunterdon County Board of Chosen Freeholders; John W. Kellogg, Director, Hunterdon County Planning Board; Somerset County Board of Chosen Freeholders; Senator William Schluter, Assemblyman Leonard Lance and Assemblywoman Connie Myers.

JUN -25 97 (MON) 14:02

READINGTON TWP.

TEL: 908-534-4051

P. 003

CERTIFICATION

I, VITA MEKOVETZ, Clerk of the Township of Readington, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Committee on the 16th day of June, 1997.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of June, 1997.

Vita Mekovetz
Vita Mekovetz, RMC/CMC
Township Clerk

TOWNSHIP COMMITTEE

JUNE 18TH 1997

PAGE 1

A special meeting of the East Anwell Township Committee was called to order at 7:30 P.M. Present were Mayor Les Hamilton, Deputy Mayor John D. Mack and Committeemembers John T. Balint, Fred Gardner and Andrea Bonette.

In compliance with the Open Public Meeting Act, Clerk Patricia A. Cregar related that notice of this meeting was posted on the bulletin and forwarded to the Hunterdon County Democrat and Tranton Times on June 16th 1997. As stated in the notice the purpose of this meeting will be to approve Resolution 68-97 titled 'RESOLUTION TO PROTEST THE PROPOSED GREENBRIER MAJOR DEVELOPMENT BEING DISCUSSED FOR HILLSBOROUGH TOWNSHIP, SOMERSET COUNTY'. Action will be taken.

Mr. Gardner related that he understands that the Hillsborough Township Committee will be discussing this development next Tuesday evening, June 24th. Resolution 68-97 has been forwarded to Readington and Raritan Townships, for action by their governing bodies. It is hoped that once Hunterdon County learns that three townships have taken action, they will also oppose the development.

Mr. Gardner offered the following for approval:

+++++

RESOLUTION 68 - 97

RESOLUTION TO PROTEST THE PROPOSED GREENBRIER MAJOR DEVELOPMENT BEING DISCUSSED FOR HILLSBOROUGH TOWNSHIP, SOMERSET COUNTY

WHEREAS, East Anwell Township, is located in Hunterdon County on the western border of Somerset County, adjacent to an area that is being considered for a major subdivision, called Greenbrier; and

WHEREAS, this area of New Jersey is a beautiful and rural area, and if a development of this size receives permission to extend sewer facilities and other necessary approvals such would have an adverse effect on many municipalities; and

WHEREAS, East Anwell Township Committee, East Anwell Planning Board and East Anwell Environmental Commission believe this development is not consistent with the intent of the State's plan for this area; and

WHEREAS, the State's Master Plan clearly delineates the entire Sourland Mountain and its environs as Planning Areas #4 & #5, and not suitable for large scale development or water and sewer facilities and to convert a major piece of farmland into an area of suburban sprawl does not appear to be in the best interest of either Somerset or Hunterdon County; and

WHEREAS, East Anwell Township has proven its unwavering commitment to farmland preservation and environmental protection, with millions of state, county and local dollars invested in permanent preservation of many acres of farmland; and

WHEREAS, this project would bring suburban sprawl to the edge of the Anwell Valley and the resulting traffic increase would have a negative impact on the rural character of East Anwell Township and other neighboring townships; and

WHEREAS, large scale housing concentrations tend to promote

TOWNSHIP COMMITTEE

JUNE 18TH 1997

PAGE 2

additional peripheral development, particularly where water and sewer facilities are available.

NOW, WHEREAS, AS IT RESOLVED, that the Township Committee of East Amwell, Burlington County, New Jersey is voicing unanimous opposition to the Greenbrier Development and urges the Hillsborough Township Committee not to permit sewer extension into Planning Areas #4 & #8; and

AS IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the New Jersey Department of Environmental Protection - specifically Commissioner Robert Shinn, Jr.; Middlesex/Somerset/Warren Regional Planning Council; New Jersey Conservation Foundation; New Jersey Future; the townships of Readington - Maritan - Hopewell - and Montgomery; Hillsborough Township Committee, Planning Board and Environmental Commission; Burlington County Board of Chosen Freeholders; John N. Halloys - Director Burlington County Planning Board; Somerset County Board of Chosen Freeholders; Senator William Schluter; Assemblyman Leonard Lance and Assemblywoman Connie Myers.

By Order of the Township Committee,

Les Hamilton

Les Hamilton, Mayor

Mr. Balint related that he is in favor of this development because senior citizen housing is needed, however, he favors such for Florida and not New Jersey.

Motion by Mr. Balint, seconded by Mr. Mack and unanimous favorable vote to approve the above resolution.

With no other business to discuss, motion by Mr. Mack, seconded by Mr. Balint and unanimous favorable vote to adjourn this meeting at 7:10 P.M.

Patricia A. Cregar
Municipal Clerk